# CODE OF APPOMATTOX COUNTY VIRGINIA

GENERAL CODE PUBLISHERS CORP.

# Code
# of
# Appomattox County

COMMONWEALTH OF VIRGINIA

**SERIAL NO.** ..01.....

GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, NY 14624

1993

# Code
# of
# Appomattox County

COMMONWEALTH OF VIRGINIA


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1993

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# APPOMATTOX COUNTY

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**1993**

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# CERTIFICATION

## APPOMATTOX COUNTY

### Office of the County Administrator

I, **AILEEN T. FERGUSON**, Interim County Administrator of Appomattox County, hereby certify that the chapters contained in Parts I and II of this volume are based upon the original ordinances of the Board of Supervisors of Appomattox County and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute Parts I and II of the Code of Appomattox County, Commonwealth of Virginia, as adopted by ordinance of the Board of Supervisors on July 12, 1993.

Given under my hand and the Seal of Appomattox County, Commonwealth of Virginia, this 12th day of July 1993, at Appomattox, Virginia.

s/**AILEEN T. FERGUSON**

.....

Interim County Administrator

# PREFACE

Located at the exact center of the state, Appomattox County, Virginia, was the scene of General Robert E. Lee's surrender that ended the War Between the States. The county was formed in 1845 and named for an Indian tribe. Nearby cities include Lynchburg [eighteen (18) miles], Roanoke [seventy-nine (79) miles] and Richmond [ninety (90) miles].

Appomattox County has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the county, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the county. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Supervisors ordered the following codification of the county's legislation.

## Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Board of Supervisors of Appomattox County, including revisions or amendments to existing legislation deemed necessary by the Board of Supervisors in the course of the codification.

## Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all county legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other county legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

## Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

## Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

## Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents, such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

## Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters and to insert new chapters without affecting the existing organization.

## Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

## Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

## Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each

Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

### Codification
### Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.

### General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

### Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

### Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

### Instructions for
### Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering

sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

## Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

## Acknowledgment

The assistance of the county officials is gratefully acknowledged by the editor. Special acknowledgement is given to Gordon L. Rice, County Administrator, and Thomas W. Lawson, Esq., County Attorney. The codification of the legislation of Appomattox County reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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# PART I

# ADMINISTRATIVE LEGISLATION

# Chapter 1

# GENERAL PROVISIONS


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**§ 1-2. Effective date; repealer.**
**§ 1-3. Legislation saved from repeal.**
**§ 1-4. Severability.**
**§ 1-5. Copies on file.**
**§ 1-6. General penalty.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 7-13-1993. Amendments noted where applicable.]**

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## ARTICLE I
## Adoption of Code
## [Adopted 7-13-1993]

Be it ordained and enacted by the Board of Supervisors of Appomattox County, Virginia, as follows:

### § 1-1. Adoption of Code.

There is hereby adopted by the Board of Supervisors that certain Code entitled the "Code of Appomattox County, Virginia," containing certain ordinances of a general and permanent nature as revised, compiled, consolidated and recodified in Chapters 1 to 170, both inclusive.

### § 1-2. Effective date; repealer.

The provisions of such Code shall be in force on and after the effective date of this ordinance, and all ordinances of a general and permanent nature enacted on or prior to the effective date of this ordinance, including the 1978 Code of Appomattox County, and not contained in such Code are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

### § 1-3. Legislation saved from repeal.

The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before the effective date of this ordinance;nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by or for the county or authorizing the issue of any bonds of the county or any evidence of indebtedness or any contract or obligation assumed by the county; nor shall it affect any right or franchise conferred by ordinance or resolution of the county on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated or any ordinance which is

temporary, although general in effect, or special, although permanent in effect; nor shall it affect any of the following ordinances or any amendment thereto:

A. Any appropriation ordinance.

B. Any ordinance levying or imposing taxes.

C. Any ordinance providing for any public improvement.

D. Any ordinance making any assessment.

E. Any ordinance opening, relocating, closing, altering or naming any streets or alleys.

F. Any ordinance relative to salaries, wages or compensation or bonds of county officers and employees or to members or employees of county boards or commissions.

G. Any ordinance relative to annexation of territory to the county or relative to the change, expansion or contraction of the corporate boundaries of the county.

H. Any ordinance adopted subsequent to March 8, 1993.

### § 1-4. Severability.

It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this ordinance and of the Code are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or such Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or of such Code.

### § 1-5. Copies on file.

Three (3) copies of the Code shall be filed in the office of the County Administrator and be made available to persons desiring to examine the same.

### § 1-6. General penalty.

A. Wherever in this Code or in any ordinance or resolution of the county or any rule or regulation or order promulgated by any officer or agency of the county under authority duly vested in him or it any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or of any such ordinance, resolution, rule, regulation or order shall be punished as a Class 1 misdemeanor.

B. Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

# Chapter 3

# ADMINISTRATION OF GOVERNMENT


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General Provisions

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§ 3-2. Compensation of county officers, employees and agents; disposition of fees.
§ 3-3. Protection of records and other papers.
§ 3-4. Property and property insurance inventories.
§ 3-5. Use of county-owned personal property for private purposes; construal.

ARTICLE II
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§ 3-6. Agenda for regular and adjourned meetings.
§ 3-7. Addressing the Board at meetings; action on matters raised by nonmembers.
§ 3-8. Rules.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 3-10-1978 as Art. I of Ch. 2 of the 1978 Code; Art. II, 3-10-1978 as Art. II of Ch. 2 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

**Affirmative action — See Ch. 6.**
**Election districts — See Ch. 15.**
**Industrial Development Authority — See Ch. 25.**
**Planning Commission — See Ch. 30.**
**Taxation — See Ch. 147.**

## ARTICLE I
## General Provisions[1]
## [Adopted 3-10-1978 as Art. I of Ch. 2 of the 1978 Code]

### § 3-1. Bonds of officers, employees and agents.[2]

All officers, employees and agents of the county who are required to give bonds shall give bonds with either personal or corporate surety, and the county shall pay the premiums therefor, except as to the Treasurer, who may give bonds as provided in § 15.1-43 of the Code of Virginia.

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[1] **Editor's Note: For state law as to administration of counties, see Code of Virginia, § 15.1-504 et seq. As to county officers, see Code of Virginia, § 15.1-38 et seq.**

[2] **Editor's Note: For state law as to payment by county of premiums on bonds with corporate surety, see Code of Virginia, § 15.1-41.**

**§ 3-2. Compensation of county officers, employees and agents; disposition of fees.**[3]

A. The Chairman and members of the Board of Supervisors and all other officers, employees and agents of the county shall receive as compensation for their services such sums as may be appropriated therefor in the annual budget or in other ordinances from time to time, provided that persons serving under contract with the county shall receive such compensation as may be provided in their respective contracts, and provided further that any person whose compensation is fixed by the state law or by a body other than the Board of Supervisors pursuant to state law shall receive such compensation as fixed by state law or pursuant to state law.

B. Except as may be specifically provided otherwise by state law, this Code or other ordinances, all fees paid to county officers and employees for services rendered or documents furnished shall belong to the county and shall be paid into the county treasury by the recipients thereof not less frequently than once each month.

**§ 3-3. Protection of records and other papers.**

A. No book, record, document or paper belonging to the county or any department, office, board, commission or other agency of the county shall be removed from the office of the custodian thereof without his permission, and then only upon the giving of a receipt therefor, except as may be provided otherwise by law in any case or except upon order of the Board of Supervisors or its Chairman or in compliance with a valid subpoena duces tecum issued by a court or officer having jurisdiction in the premises.

B. No person shall, without proper authority, destroy, tamper with, deface or otherwise damage or alter any book, record, document or paper belonging to the county or any department, office, board, commission or other agency of the county or fail to return any such item or property to its proper custodian after having taken it from its place of custody as authorized in Subsection A of this section.

**§ 3-4. Property and property insurance inventories. [Amended 7-12-1993]**

A. The County Administrator shall maintain on file in his office an inventory of all real property owned by or leased to the county. This inventory shall be maintained in current status. For each building or lot, such inventory shall also show:

(1) A brief description;

(2) A reference to the deed, devise, lease or other instrument whereby the county acquired title to or the use thereof;

(3) The department, office or agency charged with custody;

(4) The purpose or use;

(5) The insurance of all types thereon, together with notes as to premiums payable and anniversary dates; and

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[3] **Editor's Note: For state law as to compensation of county supervisors, see Code of Virginia, §§ 14.1-45 and 14.1-46.**

(6) For property owned by the county and leased to other persons, copies of such leases and appropriate notes as to the revenues derived therefrom.

B. Each county officer having custody of items of nonexpendable personal property of value greater than twenty-five dollars ($25.) owned by or leased to the county shall, during January of each year, prepare in duplicate an itemized inventory of such property, showing for each item its value and a brief description, together with identification (by serial number, where applicable); a reference to the instrument, if any, whereby title of use was acquired; the department, office or agency having custody; the purpose or use; and the insurance of all types, if any, together with notes as to premiums payable and anniversary dates. The original copy of each such inventory shall be filed in the office of the County Administrator before February 1 of each year, and the duplicate copy shall be retained on file in the office of the person who prepared it.

## § 3-5. Use of county-owned personal property for private purposes; construal. [Amended 7-12-1993]

A. Trucks, machinery and other items of personal property owned by the county shall not be loaned or leased to any person, provided that the Board of Supervisors may, by resolution, provide rules and regulations whereby the County Administrator may authorize specified items of county-owned personal property to be used for private purposes when such use would not interfere with or delay any county work or project, upon the payment of specified charges and subject to such terms and conditions as may be stipulated by the County Administrator. If and when any such resolution is in effect, the provisions thereof and the provisions of this subsection shall be deemed to be incorporated in and made a part of any authorization made thereunder by the County Administrator, and all persons for whose benefit any county-owned personal property is used shall be bound thereby and shall likewise be bound by the stipulations of the County Administrator.

B. This section shall not be construed so as to limit the authority of the Board of Supervisors to authorize the use of county-owned personal property by municipalities, other political subdivisions or agencies of the commonwealth under mutually agreed upon terms and conditions.[4]

[4] **Editor's Note: Former Sec. 2-6, Abolition of finance board, and Sec. 2-7, Regular meetings, which immediately followed this section, were deleted at time of adoption of code; see Ch. 1, General Provisions, Art. I.**

ARTICLE II
**Board of Supervisors[5]**
**[Adopted 3-10-1978 as Art. II of Ch. 2 of the 1978 Code]**

### § 3-6. Agenda for regular and adjourned meetings. [Amended 7-12-1993]

The County Administrator shall prepare and make available to each member of the Board of Supervisors a detailed agenda at least one (1) day prior to each regular or adjourned meeting of the Board.

### § 3-7. Addressing the Board at meetings; action on matters raised by nonmembers. [Amended 7-12-1993]

Any orderly person present at a meeting of the Board of Supervisors may, upon recognition by the presiding officer, request permission to address the Board; and the presiding officer may grant such request if he considers it to be in the public interest so to do, and he shall grant such request upon demand of any two (2) supervisors. When, as the result of such an address to the Board, it appears that a subject should be considered by the Board at a subsequent meeting, the County Administrator shall place such matter on the agenda for the next regular meeting of the Board of Supervisors.

### § 3-8. Rules.[6]

The Board of Supervisors may, by resolution or ordinance, promulgate rules:

A. Governing the conduct of its members with respect to their official duties and transactions and with respect to the ethics of office and imposing penalties for the violation thereof.

B. Providing for the attendance at its meetings of the Sheriff of the county or, at his option, one (1) of his deputies to preserve order and to discharge such other duties as may be necessary for the dispatch of such business as may be before this Board.

C. Providing for the attendance at its meetings of such other county officers and employees as may be helpful to the Board by providing information, opinions and advice.

D. Providing for the order of business and parliamentary procedure at its meetings.

E. Providing for the appointment, powers and duties of standing and special committees.

F. Providing for executive sessions of the Board; but no ordinance or resolution shall be offered and no final vote, decision or action shall be taken on any question or subject during an executive session.

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[5] **Editor's Note: For state law as to boards of supervisors, see Code of Virginia, § 15.1-527 et seq. As to adoption of ordinances, see Code of Virginia, § 15.1-504. As to Virginia Freedom of Information Act, see Code of Virginia, § 2.1-340 et seq.**

[6] **Editor's Note: For state law as to the authority of the Board of Supervisors to require a sheriff or deputy to attend meetings, see Code of Virginia, § 15.1-539. As to executive sessions, see Code of Virginia, § 2.1-344.**

G. Providing for the compulsory attendance of witnesses and the production of books and papers before the Board or any of its committees.

H. Providing for the Chairman of the Board of Supervisors to administer an oath to any person concerning any matter submitted to the Board or connected with their powers or duties.

I. For such other purposes not contrary to state law, this Code or other ordinance as may be within the power of the Board of Supervisors to regulate for the conduct of its business.

# Chapter 6

# AFFIRMATIVE ACTION


§ 6-1. Nondiscrimination policy; adoption of program.
§ 6-2. Employment and personnel practices.
§ 6-3. Implementation of affirmative action program.
§ 6-4. Personnel for implementation of program.
§ 6-5. Right to seek advice and conciliation; steps.
§ 6-6. Compliance by contractors.
§ 6-7. Operation policies.
§ 6-8. Complaint procedure.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 2-13-1981. Amendments noted where applicable.]**

GENERAL REFERENCES

**Administration of government — See Ch. 3.**

## § 6-1. Nondiscrimination policy; adoption of program.

A. In compliance with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, it is the policy of the County of Appomattox (hereinafter referred to as the "county") to:

(1) Provide equality of opportunity in employment with the county for all persons;

(2) Carry out all programs and activities in compliance with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, and in such a manner that no person shall, on the grounds of race, color, national origin, religion, sex or handicap, be excluded from participation in, be denied the benefits of or be subjected to discrimination with respect to any such programs or activities; and

(3) Afford full and fair representation of all sections of the population within the limits of the county.

B. To effectuate its nondiscrimination policy, the county adopts this affirmative action program.

## § 6-2. Employment and personnel practices.

It is the policy of the county to prohibit discrimination because of race, color, religion, sex, national origin or handicap in all aspects of its personnel policies, programs, practices and operations and in all its working conditions and relationships with employees and applicants for employment and to promote the full realization of equal opportunity in employment through continuing programs of affirmative action in the county.

**§ 6-3. Implementation of affirmative action program. [Amended 7-12-1993]**

The County Administrator to the County Board of Supervisors shall direct the implementation of this affirmative action program to promote equal opportunity in every aspect of employment policy and practice, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. This implementation shall include, but not be limited by, the following actions:

A. A notice of the county's policy on nondiscrimination in employment shall be posted in a conspicuous place so as to come to the attention of all county employees and applicants for employment.

B. Notification of employment opportunities, new positions, vacancies, promotion possibilities and training opportunities shall be posted in a conspicuous place so as to come to the attention of all county employees and applicants for employment.

C. Newspaper advertisements and other public announcements of employment opportunities placed by or on behalf of the county shall state that the county is an equal opportunity employer.

D. The County Administrator to the County Board of Supervisors shall make an annual assessment of the county employment. This assessment shall include an equal opportunity strategy outlining the specific equal opportunity actions to be taken by the county during the upcoming fiscal year.

**§ 6-4. Personnel for implementation of program.**

A. Equal Opportunity Review Board. The county designates the County Board of Supervisors as the county's Equal Opportunity Review Board (EOR Board). In all cases involving employment actions, the decision of such EOR Board, upon review of proceedings carried out in accord with the procedures established by this section, shall be final.

B. Equal Opportunity Counselor. The County Board designates the County Administrator as Equal Opportunity Counselor. It shall be the duty of such counselor to provide advice to employees or other persons concerning their rights under the equal opportunity policy established in § 6-1 and other pertinent laws and regulations; to conduct initial investigations as provided in this section; and to seek conciliation of such complaints with the appropriate county officials. **[Amended 7-12-1993]**

C. Equal Opportunity Hearing Officer. In appropriate cases, the Equal Opportunity Review Board shall designate a disinterested person to conduct formal investigations and hearings or complaints of discrimination brought in the manner provided in this section.

D. The names of the Equal Opportunity Counselor and Hearing Officer shall be posted in conspicuous places.

**§ 6-5. Right to seek advice and conciliation; steps.**

A. Any person who believes that he has been discriminated against by reason of race, color, religion, sex, creed or natural origin in connection with any personnel action taken by or under the authority of the county shall have the right to seek advice and conciliation through the Equal Opportunity Counselor.

B. The steps to be followed in processing a grievance shall be outlined in the county's grievance procedure.

**§ 6-6. Compliance by contractors.**

Contractors for the county shall comply with Title VI of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973.

**§ 6-7. Operation policies.**

It is the policy of the county to provide equal access to all persons, regardless of race, color, religion, sex, national origin or physical or mental handicap, to all aspects of all its operations, including organization and administration.

**§ 6-8. Complaint procedure.**

A. Any persons who believe that they have been discriminated against by reason of race, color, religion, sex, national origin or handicap in connection with the administration of the county shall be advised of their right to seek advice and conciliation through the Equal Opportunity Counselor.

B. The aggrieved party shall submit the complaints, in writing, to the Equal Opportunity Counselor.

C. Thereafter, the procedure shall be the same as set forth in grievance procedures.

D. A copy of the Appomattox County Grievance Procedure may be obtained from the County Administrator to the Appomattox County Board of Supervisors or the Clerk of the Appomattox County Board of Supervisors. **[Amended 7-12-1993]**

# Chapter 15

# ELECTIONS

ARTICLE I
**Election Districts**


**§ 15-1. Creation; authority.**
**§ 15-2. Enumeration of districts.**
**§ 15-3. Supervisors; terms.**
**§ 15-4. District boundaries and polling places.**
**§ 15-5. Effective date of boundaries.**
**§ 15-6. Magisterial districts.**


ARTICLE II
**Election of School Board Members**


**§ 15-7. Title.**
**§ 15-8. Purpose.**
**§ 15-9. Jurisdiction.**
**§ 15-10. Legislative authority.**
**§ 15-11. Date of election.**
**§ 15-12. Term of office.**
**§ 15-13. Vacancies.**
**§ 15-14. Petition required for candidacy.**
**§ 15-15. Effective date.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 4-12-1991; Art. II, 3-6-1995. Amendments noted where applicable.]**

GENERAL REFERENCES

**Administration of government — See Ch. 3.**

## ARTICLE I
## Election Districts
## [Adopted 4-12-1991]

### § 15-1. Creation; authority.

The election districts and precincts of Appomattox County, Virginia, are hereby created and established as set forth below, pursuant to the authority and procedures contained in the following sections of the Code of Virginia 1950, as amended: §§ 15.1-37.4, 15.1-37.5, 15.1-37.5:1, 15.1-37.6, 15.1-37.7, 15.1-571.1, 24.1-37, 24.1-39, 24.1-40.7 and 24.1-40.9.

### § 15-2. Enumeration of districts.

The election districts and their populations according to race are set forth as follows:

| District | Total Population | White (number/percent) | Nonwhite (number/percent) |
|---|---|---|---|
| Courthouse District | 2,521 | 2,004/79.49 | 517/20.51 |
| Appomattox River District | 2,521 | 2,030/80.52 | 491/19.48 |
| Piney Mountain District | 2,405 | 1,697/69.81 | 708/30.19 |
| Falling River District | 2,485 | 2,040/84.72 | 445/15.28 |
| Wreck Island District | 2,361 | 1,683/71.28 | 678/28.72 |

### § 15-3. Supervisors; terms.

There shall be one (1) supervisor from each electoral district. Piney Mountain Electoral District, beginning January 1, 1992, shall have an initial two-year term and thereafter four-year terms. All other districts shall have four-year terms.

### § 15-4. District boundaries and polling places.

The boundaries and polling places are as follows:

A. Courthouse Electoral District.

(1) District boundary lines: Start at US Route 460 West at Town of Appomattox city limits, going northeast following town limits to US Route 460/Town of Appomattox limits at east end of town, then west along US Route 460 to SR 635. Turn left on SR 635, then south on SR 635 to SR 720. Turn left on SR 720 to 644 to 727. North on 727 to 604. Turn left on 604 to 719, turn right on 719 to 691, then turn right on 691 to Town of Appomattox limits at railroad tracks; follow tracks west to town limits at point of origin on US Route 460 West.

(2) Precinct boundary line: same as district boundary line.

(3) Polling place: Courthouse.

B. Piney Mountain Electoral District.

(1) District boundary lines: Start at Town of Appomattox limits and US 26 intersection, go north on US 26 to intersection SR 608. Turn left on SR 608 to 666, turn right on 666 to 611. Turn left on 611 to 667. Right on 667 to 605, right on 605 to 623. Left on 623 to dirt road on right. Follow dirt road to unnamed creek. Turn left at creek and follow it to the James River. Follow river northeast to Appomattox/Buckingham County line. Follow county line to SR 24. Follow SR 24 south to SR 616. Turn right on SR 616 to dirt road just prior to house owned by Emma Wood. Turn left on dirt

road and follow to "Y" in road. Turn left at this point to dead end. Turn left at dead end to intersection of dirt road and Rocky Run Creek. Follow Rocky Run Creek East to SR 24. Follow SR 24 to Town of Appomattox limits. Follow town limits back to SR 26 at point of origin.

(2) Precincts.

(a) Oakville Precinct.

[1] Precinct boundary lines: Start at Town of Appomattox on SR 26, go north on SR 26 to 608, left on 608 to 666, right on 666 to 611, left on 611 to 667, right on 667 to 605, right on 605 to 623, left on 623 to dirt road to creek to James River to village of Bent Creek. Follow Bent Creek south to 608, left on 608 to 616 to just past house owned by Emma Wood. Then right on dirt road to Rocky Run Creek, follow creek to SR 24, then south on SR 24 to Town of Appomattox and follow town boundary west to point of origin.

[2] Polling place: Old Oakville School.

(b) Agee Precinct.

[1] Precinct boundary lines: Start at James River and SR 26, in village of Bent Creek, follow Bent Creek south to 608, left on 608 to 616. Follow 616 to SR 24. Turn left on SR 24 to county line. Follow county line northwest to James River, and follow the river southwest to point of origin.

[2] Polling place: Voting Building.

C. Appomattox River Electoral District.

(1) District boundary lines: Start at Town of Appomattox limits at intersection with SR 24. Go northeast on SR 24 to Rocky Run Creek, turn left and follow creek to intersection with dirt road. Follow dirt road left to first corner and turn right. Bear right on dirt road till exit on SR 616. Turn right on SR 616 to SR 24. Turn left on SR 24 to county line. Turn right and follow county line to Cub Creek. Turn north at Cub Creek to SR 636. Turn right on SR 636 to 630. Follow 630 to railroad at Evergreen. Turn west and follow railroad tracks west to Town of Appomattox. Follow town limits northwest to point of origin at SR 24.

(2) Precincts.

(a) Vera Precinct.

[1] Precinct boundary lines: Start at intersection of SR 24 and Town of Appomattox limits. Go north on SR 24 to Rocky Run Creek. Left along creek to dirt road. Follow dirt road (bear right) to SR 616. Right on SR 616 to SR 24. Left on SR 24 to county line. Follow county line southeast to Appomattox River. South along river to 618. Follow Suwanee Creek south to 627. Right on 627 to 639. Along 639 to 632, left on 632 to 634. Left on 634 to US Route 460. Right on US Route 460 to 695, and left on 695 to railroad. Right along railroad to Town of Appomattox limits. Follow town limits northwest to point of origin.

[2] Polling place: Voting Building.

(b) Pamplin Precinct.

[1] Precinct boundary lines: Start at intersection of railroad and SR 695. Go northeast on SR 695 to US Route 460. Right on US Route 460 to 634. Left on 634 to 632, follow 632 to 639. Right on 639 to 627. Left on 627 to Suwanee Creek. North along creek to 618. Follow Appomattox River northeast to county line. Right along county line to Cub Run Creek. Right along creek to 636. Right on 636 to 630. Left on 630 to intersection of railroad and 630 at Evergreen. Left along railroad to point of origin.

[2] Polling place: Pamplin Firehouse.

D. Falling River Electoral District.

(1) District boundary lines: Start at Town of Appomattox, with railroad intersection at east end of town. Follow railroad east to Evergreen, then right on 630 to 636. Then right on 636 to Cub Creek, left on Cub Creek to county line. Follow county line south and west to intersection of railroad and Campbell/Appomattox County line. Follow railroad east to Appomattox town limits. Follow town limits southeast around town to SR 691. Turn south west on SR 691 to 719. Go east on 719 to 604. Turn left on 604 to 727. Turn right on 727 to SR 644. Left on SR 644 to SR 720. Left on SR 720 to 635. Left on 635 to Town of Appomattox. Follow Town of Appomattox boundary northeast to start.

(2) Precincts.

(a) Chap Precinct.

[1] Precinct boundary lines: Start at Intersection of railroad and Town of Appomattox (east side of town). Follow railroad to Evergreen intersection with 630. Follow 630 to 636. Along 636 to Cub Run Creek, to county line. Right along county line to SR 604. Right on SR 604 to 727. Right on 727 to 644. Left on 644 to 720, left on 720 to 635. Left on 635 to point of origin.

[2] Polling place: Voting Building.

(b) Spout Spring Precinct.

[1] Precinct boundary lines: Start at west end of Appomattox town limits at railroad tracks. Go west along railroad to county line. Left along county line to 604. Left on 604 to 719. Left on 719 to 691. Right on 691 to town limits at railroad tracks. Follow railroad northwest to point of origin.

[2] Polling place: Spout Spring Ruritan Club. **[Amended 7-12-1993]**

E. Wreck Island Electoral District.

(1) District boundary lines: Start at west limits, Town of Appomattox at railroad tracks. Follow railroad west to Campbell/Appomattox County line. Go west along county line to the James River. Follow river northeast to an unnamed creek. Turn right at creek to a dirt road and follow dirt road to SR 623. Left on SR 623 to 605. Right on 605 to 667, left on 667 to 611, left on 611 to 666. Right on 666 to 608. Turn left on

608 to SR 26. Right on SR 26 to town limits. West around town boundary to railroad at west limits of Town of Appomattox, at point of origin.

(2) Precincts.

(a) Stonewall Precinct.

[1] Precinct boundary lines: Start at Campbell/Appomattox County line and railroad track. Go east along railroad to SR 647 in Spout Spring. Go north on SR 647 to 613, north on 613 to Wreck Island Creek to 608. Left on 608 to 666, right on 666 to 611, left on 611 to 667, right on 667 to 605, right on 605 to 623. Left on 623 to dirt road. Right on dirt road to unnamed creek to James River. Follow river west to Campbell County/Appomattox County line and south along county line to point of origin.

[2] Polling place: Voting Building.

(b) US Route 460 Precinct.

[1] Precinct boundary lines: Start at Town of Appomattox at railroad on west end of town. Go west along tracks to SR 647. Turn right on SR 647 to 613, north on 613 to Wreck Island Creek to 608, right on 608 to SR 26. South on SR 26 to Town of Appomattox limits and west around town to point of origin.

[2] Polling place: Moose Lodge.

### § 15-5. Effective date of boundaries.

The effective date of the boundaries set forth in this Article is April 12, 1991.

### § 15-6. Magisterial districts.

The magisterial districts shall remain the same as in effect on April 12, 1991.[1]

## ARTICLE II
## Election of School Board Members
## [Adopted 3-6-1995]

### § 15-7. Title.

This Article shall hereafter be known, cited and referred to as the "Election of School Board Members Ordinance of Appomattox County, Virginia."

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[1] **Editor's Note: Former Sec. 7, which pertained to the submission of this Article by the County Attorney for preclearance and notification purposes, and Sec. 8, which pertained to publication in the local newspaper by the County Administrator of a notice regarding the availability of the complete submission packet for public review, were deleted at time of adoption of Code 7-12-1993; see Ch. 1, General Provisions, Art. I.**

**§ 15-8. Purpose.**

This Article is adopted for the following purposes:

A. To provide for the procedure for the lawful election of School Board members of Appomattox County, Virginia.

B. To provide for the composition and term limits of the School Board members of Appomattox County, Virginia.

C. To provide for the manner in which vacant seats on the School Board of Appomattox County, Virginia, are to be filled following the initial School Board elections.

**§ 15-9. Jurisdiction.**

The Election of School Board Members Ordinance of Appomattox County, Virginia, shall apply to the election of School Board members in Appomattox County, Virginia.

**§ 15-10. Legislative authority.**

The Board of Supervisors has authority to adopt this Article pursuant to a referendum held on November 3, 1992, pursuant to § 22.1-57.2 of the Code of Virginia 1950, as amended, and after publication of the intent to pass an ordinance entitled "Election of School Board Members Ordinance of Appomattox County, Virginia," once a week for two (2) successive weeks in the Times-Virginian pursuant to § 15.1-504 of the Code of Virginia 1950, as amended, and a public hearing held on the sixth day of March 1995, and pursuant to § 22.1-57.3 of the Code of Virginia 1950, as amended, entitled "Election of School Board Members."

**§ 15-11. Date of election.**

A. The election of the School Board members and governing body members from each specific district shall be held simultaneously at regular general elections in November.

B. The initial election shall take place at the regular general election in November 1995.

C There shall be one (1) School Board member elected from each Electoral District.

D. The election for School Board members from the Appomattox River Election District, the Wreck Island Election District and the Falling River Election District shall be held at the initial election in November 1995.

E. The election for School Board members from the Piney Mountain Election District and the Courthouse Election District shall be at the regular general election in November 1997.

**§ 15-12. Term of office.**

A. The term of any School Board member who was appointed by the governing body and is not elected at the initial School Board election, and whose appointed term expires before the election of the corresponding members of the governing body and after the initial

election, shall continue or be extended to expire on December 31 of the year of the election of the School Board member replacing that appointed member.

B. The term for an elected School Board shall be four (4) years, and shall begin on January 1, of the year following the election of the School Board member.

C. An appointed School Board member whose term expires before the regular general election of November 1995 shall be appointed by the Board of Supervisors in the same manner as in place before the effective date of this Article.

### § 15-13. Vacancies.

A vacancy in the office of a School Board member after the initial election shall be filled by special election, pursuant to § 24.2-226 of the Code of Virginia 1950. The Board of Supervisors shall, within fifteen (15) days of the occurrence of the vacancy, petition the Circuit Court to issue a writ of election to fill the vacancy. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election for the next ensuing general election to be held in November. If the vacancy occurs within one hundred twenty (120) days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled. A majority of the judges of the Tenth Judicial Circuit shall make an interim appointment of the office until the vacancy can be filled by special election. The senior judge shall make the appointment if a majority of the judges cannot agree. The person so appointed shall hold office until the qualified voters fill the vacancy by election and the person so elected has qualified, pursuant to § 24.2-227 of the Code of Virginia 1950, as amended.

### § 15-14. Petition required for candidacy.

In order to have his/her name placed on the ballot, each candidate shall file along with his/her declaration of candidacy a petition therefor, on a form prescribed by the State Board of Elections, signed by fifty (50) qualified voters in election districts containing one thousand (1,000) or fewer registered voters and one hundred twenty-five (125) qualified voters in any district containing more than one thousand (1,000) registered voters. The deadline for filing declarations and petitions for a general election in November is by 7:00 p.m. on the second Tuesday in June, and the deadline for a special election held to fill a vacancy is either at least seventy-four (74) days before the election or, if the special election is being held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election, pursuant to §§ 24.2-506 and 24.2-507 of the Code of Virginia 1950, as amended.

### § 15-15. Effective date.

This Article shall be effective as of the sixth day of March 1995.

# Chapter 17

# EMERGENCY SERVICES


§ 17-1. Purpose.

§ 17-2. Definitions.

§ 17-3. Mission of Board of Supervisors.

§ 17-4. Director of Emergency Services; Coordinator of Emergency Services Activities.

§ 17-5. Emergency Services Organization.

§ 17-6. Membership of Emergency Service Organization; loyalty oath.

§ 17-7. Powers and duties of Director of Emergency Services.

§ 17-8. Powers and duties of Coordinator of Emergency Service Activities.

§ 17-9. Orders, rules and regulations of Governor.

§ 17-10. Declaration of county disaster; termination.

§ 17-11. Construal of provisions.


**[History: Adopted by the Board of Supervisors of Appomattox County 7-19-1993. Amendments noted where applicable.]**

## § 17-1. Purpose.

It is the purpose of this chapter to implement within Appomattox County the provisions of the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Code of Virginia § 44-146.13 et seq., by providing, insofar as the resources of the county permit, the organization, personnel, equipment and plans which are necessary to deal adequately with natural and man-made disasters which may occur within the county and its environs and, to the extent of the means available, to provide emergency disaster services to other communities and respond to calls made by the Governor or by the Office of Emergency Services of the commonwealth.

## § 17-2. Definitions.

Definitions shall be as provided in § 44-146.16 of the Code of Virginia.

## § 17-3. Mission of Board of Supervisors.

The mission of the Appomattox County Board of Supervisors, within the purview of this chapter and acting through its Director of Emergency Services, is to direct and support the emergency services of Appomattox County and to cooperate with other cities and counties and the State Office of Emergency Services in the event of man-made or natural disaster.

**§ 17-4. Director of Emergency Services; Coordinator of Emergency Services Activities.**

A. Unless and until provided otherwise by executive order of the Governor, the County Administrator shall be the Director of Emergency Services.

B. The Director of Emergency Services shall have authority to appoint a Coordinator of Emergency Service Activities, with the consent of the Appomattox County Board of Supervisors.

**§ 17-5. Emergency Services Organization.**

A. Appomattox County Emergency Services Organization is hereby established, the commanding officer of which shall be the Director of Emergency Services.

B. Pursuant to policies established from time to time by the Appomattox County Board of Supervisors consistent with state law and plans and policies of the Office of Emergency Services Organization shall have such structural organization, personnel and equipment as shall be specified by the Director of Emergency Services, subject to the availability of funds, and the Director of Emergency Services shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of Appomattox County to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the Director of Emergency Services and, upon request, to the Governor and to the State Office of Emergency Services as well. The Director of Emergency Services is hereby authorized to include within the Appomattox County Emergency Services Organization such corporate and individual volunteer members as may be desirable to enable the Organization to accomplish its intended missions, as for example, medical personnel and organizations and public utility company personnel and equipment, to name but two (2) of the more obvious classes.

C. The Director of Emergency Services shall prepare and may from time to time amend tables of organization and equipment for the Appomattox County Emergency Services Organization, at least one (1) copy of which shall be maintained on file in the office of the County Administrator, where it shall be available to the public for inspection and use during all regular business hours, and copies shall be made available to all persons deemed by the Director to have a need therefor.

D. The tables of organization and equipment shall establish a definite chain of command for each component of the organization.

E. The Appomattox County Emergency Services Organization shall have such powers and perform such duties as may be necessary, consistent with state law and policies of the Board of Supervisors, to serve the purposes of this chapter and as may be specified for local emergency services organizations by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 (Code of Virginia § 44-146.13 et seq.).

**§ 17-6. Membership of Emergency Service Organization; loyalty oath.**

No person shall be a member, employee or agent of or be associated with the Appomattox County Emergency Services Organization who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this commonwealth or the overthrow of any government in the United States by force or violence or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in such organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this commonwealth, which shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the Commonwealth of Virginia against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this commonwealth by force or violence and that I will not advocate or become a member of any political party or organization that advocates the overthrow of the government of the United States or of this commonwealth by force or violence."

**§ 17-7. Powers and duties of Director of Emergency Services.**

A. The Director of Emergency Services shall prepare and from time to time amend, so as to keep abreast of new concepts and techniques, plans for the accomplishment of the missions of the Appomattox County Emergency Services Organization in the event of any natural or man-made disaster and for the effective deployment and employment of the personnel and equipment of the organization or which may be subject to its call. Such plans shall be consistent with policies of the Appomattox County Board of Supervisors and the policies and plans of the Governor and the State Office of Emergency Services and shall be distributed and publicized as may be desirable, in the opinion of the Director, to effectively serve their intended purposes, provided that not less than one (1) copy of each such plan shall be maintained on file in the office of the County Administrator.

B. The Director of Emergency Services shall be responsible for the training of all personnel of the Appomattox County Emergency Services Organization to the end that they may be in a state of readiness to effectively perform their duties and properly use the equipment available to them in the event of any natural or man-made emergency. It shall be the duty of all county government personnel affected thereby to attend such classes and field exercises as may be prescribed by the Director pursuant to policy guidance by the Appomattox Board of Supervisors.

C. The Director of Emergency Services shall prepare the annual budget of the Appomattox County Emergency Services Organization.

D. The Director of Emergency Services shall have such other power and perform such other duties as may be specified for the office of local Director of Emergency Services in the

Commonwealth of Virginia Emergency Services and Disaster Law of 1973 (Code of Virginia § 44-146.13 et seq.) or as may be prescribed by the Appomattox County Board of Supervisors.

### § 17-8. Powers and duties of Coordinator of Emergency Service Activities.

The Coordinator of Emergency Service Activities, under the direct supervision of the Director of Emergency Services, shall be the executive officer of the Appomattox County Emergency Services Organization and, in the absence or disability of the Director, shall assume command of the organization. He shall have such other powers and perform such other duties as may be specified for the office of local Coordinator of Emergency Service Activities by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 (Code of Virginia § 44-146.13 et seq.) or by the Director of Emergency Services, consistent with state law and the plans and policies of the Governor and the State Office of Emergency Services.

### § 17-9. Orders, rules and regulations of Governor.

It shall be the duty of the Appomattox Emergency Services Organization and the officers thereof to execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 (Code of Virginia § 44-146.13 et seq.), and that organization shall have available for inspection at its office or at the office of the County Administrator all such orders, rules and regulations.

### § 17-10. Declaration of county disaster; termination.

A. A disaster may be declared within the county by the Director of Emergency Services, with the consent of the Appomattox County Board of Supervisors. In the event that the Board of Supervisors cannot convene due to the disaster, the Director or any member of the Board of Supervisors in the absence of the Director may declare the existence of a disaster, subject to confirmation by the Appomattox County Board of Supervisors at a special meeting within five (5) days of the declaration. The Appomattox County Board of Supervisors, when, in its judgment, all disaster actions have been taken, shall take appropriate action to end the declared disaster.

B. A declaration of a county disaster shall activate the response and recovery programs of all applicable county and interjurisdictional disaster operations plans and authorize the furnishing of aid and assistance thereunder.

C. The Director, following such declaration, shall notify the State Office of Emergency Services that all local resources have been committed in the disaster and that assistance may be requested from the state.

### § 17-11. Construal of provisions.

Nothing in this chapter is to be construed to:

A. Limit, modify or abridge the authority of the Governor to exercise any powers vested in him under the laws of this commonwealth in conjunction with any provisions of this chapter.

B. Interfere with dissemination of news or comment on public affairs, but any communications facility or organization, including but not limited to radio and television stations, wire services and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with actual or pending disaster.

C. Affect the jurisdiction of responsibilities of police forces, fire-fighting forces, units of the armed forces of the United States or of this commonwealth and any personnel thereof, when on active duty, but the Appomattox County Emergency Services Organization shall place reliance upon such forces in the event of declared disasters.

D. Interfere with the course of conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

# Chapter 21

# FIRE DEPARTMENT AND RESCUE SQUAD


ARTICLE I
**Death Benefits**

**§ 21-1. Applicability of Line of Duty Act.**

ARTICLE II
**Authority of Officers**

**§ 21-2. Authority enumerated.**
**§ 21-3. Display of badge.**
**§ 21-4. Traffic control signals.**
**§ 21-5. Violations and penalties; arrests.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 3-10-1978 as Ch. 14 of the 1978 Code; Art. II, 3-10-1978 as Sec. 9-1 of Ch. 9 of the 1978 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Outdoor burning — See Ch. 54.**

**Fire prevention — See Ch. 76.**

## ARTICLE I
## Death Benefits
## [Adopted 3-10-1978 as Ch. 14 of the 1978 Code]

### § 21-1. Applicability of Line of Duty Act.

The Pamplin Volunteer Fire Department members and the Appomattox County Volunteer Rescue Squad and Volunteer Fire Department members are hereby recognized as integral parts of the official safety program of the county in order to be within the Line of Duty statute as provided by the terms and provisions of the Code of Virginia, §§ 15.1-136.1 through 15.1-136.7, inclusive, and to qualify such personnel actively engaged as members of such organizations under the provisions of this statute for the payment of death benefits as provided for in the above-mentioned code sections.

## ARTICLE II
## Authority of Officers[1]
## [Adopted 3-10-1978 as Sec. 9-1 of Ch. 9 of the 1978 Code]

### § 21-2. Authority enumerated.[2]

While any Fire Department or Volunteer Fire Department in the county under the provisions of Chapter 2 of Title 27 of the Code of Virginia is in the process of answering an alarm of fire or

1 **Editor's Note: For state law as to fire protection generally, see Code of Virginia, Title 27.**

2 **Editor's Note: For similar state law, see Code of Virginia, §§ 27-15.1 and 27-19.**

extinguishing a fire and returning to a station, the Fire Chief or other officer in charge of such Fire Department at that time shall have the authority to:

A. Maintain order at the fire or its vicinity.

B. Direct the actions of the fire fighters at the fire.

C. Keep bystanders or other persons at a safe distance from the fire and fire-fighting equipment.

D. Facilitate the speedy movement and operation of fire-fighting equipment and firemen until the arrival of a police officer.

E. Direct and control traffic in person or by deputy and to facilitate the movement of traffic.

### § 21-3. Display of badge.

The Fire Chief or other officer in charge shall display his fire fighter's badge.

### § 21-4. Traffic control signals.

Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of fire-fighting equipment at a fire station.

### § 21-5. Violations and penalties; arrests.

A. Any person refusing to obey the orders of the Fire Chief or his deputies or other officer in charge at that time shall be guilty of a Class 1 misdemeanor. **[Amended 7-12-1993]**

B. The Fire Chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section.

# Chapter 25

# INDUSTRIAL DEVELOPMENT AUTHORITY

§ 25-1. Political subdivision created. § 25-2. Name.

**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1978 as Art. V of Ch. 2 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

**Administration of government — See Ch. 3.**

## § 25-1. Political subdivision created.[1]

There is hereby created a political subdivision of the state with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act (Chapter 33, Title 15.1, Code of Virginia of 1950, as amended), including such powers as may hereafter be set forth from time to time in such act.

## § 25-2. Name.

The name of the political subdivision of the state hereby created shall be the "Industrial Development Authority of Appomattox County, Virginia."

[1] **Editor's Note: For state law as to the authority of the county to create an industrial development authority, see Code of Virginia, § 15.1-1376. As to powers of an industrial development authority, see Code of Virginia, § 15.1-1378.**

# Chapter 30

## PLANNING COMMISSION

§30-1. Creation; composition; election and appointment of members; vacancies.

§30-2. Removal from office; compensation of members

§30-3. Powers and duties.

**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1978 as Art. III of Ch. 2 of the 1978 Code. Amendments noted where applicable.]**

**General References**

**Administration of Government - See Ch. 3**
**Subdivision of Land - See Ch. 141**
**Zoning - See Ch. 170**

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### §30-1. Creation; composition; election and appointment of members; vacancies. [Amended 2-10-1984; 7-12-1993; 12-3-2001][1]

A. Membership. A Joint Planning Commission is hereby created for the county and Towns of Pamplin and Appomattox, Virginia. The Commission shall consist of ten (10) members: five (5) members from the county consisting of one (1) from each election district; three (3) members from the Town of Appomattox; and two (2) members from the Town of Pamplin.

B. Qualification and appointment. All members shall be qualified voters of their respective county or town, and at least five (5) members shall be owners of real property in their respective county or town. All members shall be appointed by their respective governing bodies.

C. Terms. Each member shall be appointed for terms of four (4) years each with the exception of governing body members whose terms are governed by Subsection (D) below. For any member that resigns or is removed from office prior to completion of term, the governing body shall appoint a replacement to serve the remainder of the unexpired term. Any member whose term has expired may continue to serve until a

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[1] Editor's Note: For state law as to local planning, zoning, and planning commission, see Code of Virginia, §15.2-2200 et seq. For state law as to qualifications of members of local planning commissions, number, appointment, and terms of members, etc., see Code of Virginia, §15.2-2212. As to joint planning commissions, see Code of Virginia, §15.2-2219.

replacement is appointed by the governing body, but in no case shall the member serve for more than six (6) additional months. A member who moves or otherwise is no longer a qualified voter of the county election district or town for which they were appointed to represent, but is still a resident of the county or towns, may complete their unexpired term at the discretion of the governing body that made the original appointment.

D. Governing body members serving as planning commissioners. One (1) governing body member from the County and each of the towns may serve as a planning commissioner. The term of a governing body member shall be coextensive with the term of office to which he or she has been elected or appointed. At the governing body's discretion, a governing body member of the planning commission can be replaced at any time by an appointed member who shall serve a four-year term.

**§30-2. Removal from office; compensation of members.**[2]

A. Any member may be removed by the Board of Supervisors for malfeasance in office, provided that such removal may be made only after a public hearing before the Board of Supervisors at which such member is given an opportunity to appear and be heard on the charges against him.

B. All members of the Planning Commission shall receive such compensation as determined by the Board of Supervisors.

**§30-3. Powers and duties.**[3]

The Planning Commission shall have all the functions, powers, and duties prescribed for local planning commissions by state law.

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[2] Editor's Note: For state law as to the removal of a member of a planning commission from office for malfeasance and reimbursement of members for actual expenses incurred, see Code of Virginia, §15.2-2212.

[3] Editor's Note: For state law as to the powers and duties of local planning commissions, see Code of Virginia, §15.2-2212.

# PART II

# GENERAL LEGISLATION

# Chapter 41

# AMUSEMENTS


ARTICLE I
**Festivals or Outdoor Entertainment**

**§ 41-1. Definitions.**
**§ 41-2. Outdoor entertainment permit requirements; fee; violations.**
**§ 41-3. Permit required; applications procedure; duties of County Administrator; appeals to Board.**
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**§ 41-5. Revocation of permit.**
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**§ 41-15. Permit required; conditions of issuance.**
**§ 41-16. Revocation of permit.**
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ARTICLE III
**Billiard Rooms and Pool Halls**

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ARTICLE IV
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**§ 41-22. Definitions.**
**§ 41-23. Location.**
**§ 41-24. Hours of operation.**
**§ 41-25. General restrictions.**
**§ 41-26. Violations and penalties.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art.I, 3-10-1978 as Art. II of Ch. 3 of the 1978 Code, amended in its entirety at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I.); Art. II, 3-10-1978 as Art. III of Ch. 3 of the 1978 Code; Art. III, 5-13-1983; Art. IV, 7-8-1983. Subsequent amendments noted where applicable.]**

GENERAL REFERENCES

**Fireworks — See Ch. 79.**

**Peace and good order — See Ch. 113.**

ARTICLE I

## Festivals or Outdoor Entertainment[1]

**[Adopted 3-10-1978 as Art. II of Ch. 3 of the 1978 Code; amendedin its entirety 7-12-1993]**

### § 41-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

MUSICAL OR ENTERTAINMENT FESTIVAL — Any gathering of fifty (50) or more people, publicly advertised by newspaper or radio or television or handbills, for the purpose of listening to or participating in entertainment which consists primarily of musical entertainment conducted for compensation in open spaces.

OUTDOOR ENTERTAINMENT — Any gathering of the general public which is publicly advertised by newspaper or radio or television or handbills or signs for which an admission fee is charged.

### § 41-2. Outdoor entertainment permit requirements; fee; violations.

All outdoor entertainment shall be subject to a permit requirement. This permit shall be issued by the Board of Supervisors, subject to the rules and regulations and duration established by the Board for each individual permit. A fee of twenty-five dollars ($25.) will be charged for issuance of this permit. The fee provided for herein may be waived for established churches, chartered civic organizations, schools or school organizations. Violations of the terms of the permit or a failure to obtain a permit hereunder shall be deemed a Class 1 misdemeanor.

### § 41-3. Permit required; applications procedure; duties of County Administrator; appeals to Board.

A. No person shall stage, promote or conduct any musical or entertainment festival or outdoor entertainment in the county unless there shall have been first obtained from the Board of Supervisors a special entertainment permit for such festival or outdoor entertainment.

B. Application for such special entertainment permit shall be in writing on forms provided for the purpose and shall be filed in duplicate with the County Administrator at least thirty (30) days before the date of such festival or outdoor entertainment and at least twenty-one (21) days prior to a regular meeting of such Board. The applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this Article. A copy of the applications shall be sent by the County Administrator to each member of the Board of Supervisors.

C. It shall be the duty of the County Administrator, who is hereby designated as the agent of the Board for the purposes provided herein, to inquire into the application for permit and, after diligent study of the nature of the application, so advise the applicant if the

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[1] **Editor's Note: For state law as to the authority of the county to regulate assemblies, see Code of Virginia, § 15.1-514.2. As to the authority of the county to promote general welfare, see Code of Virginia, § 15.1-510.**

application falls within the exempt status provided for under § 41-13. Whenever the County Administrator determines that the application is not exempt from the requirements of this Article, the applicant shall have the right of appeal to the Board of Supervisors at its next regularly scheduled meeting.

### § 41-4. Conditions on issuance of permit; required documents.

The permit required by § 41-3 shall not be issued unless the following conditions are met and the plans, statements and approvals are submitted to the Board with the application.

A. Tickets. Such application for special entertainment shall have attached to it a copy of the ticket or badge of admission to such festival or outdoor entertainment containing the date or dates and time or times of such festival or outdoor entertainment, together with statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

B. Promoters and backers; performers. A statement of the names and addresses of the promoters of the festival or outdoor entertainment, the financial backing of the festival or outdoor entertainment and the names of all persons or groups who have been invited to perform at such festival or outdoor entertainment.

C. Location. A statement of the location of the proposed festival or outdoor entertainment, the name and address of the owner of the property on which such festival or outdoor entertainment is to be held and the nature and interest of the applicant therein.

D. Sanitation facilities; garbage, trash and sewer disposal. A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at such festival or outdoor entertainment. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Health Officer.[2]

E. Food, water and shelter. A plan for providing food, water and lodging for the persons at the festival or outdoor entertainment. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Health Officer.[3]

F. Medical facilities. A plan for adequate medical facilities for persons at the festival or outdoor entertainment. This plan shall be approved by the County Health Officer.

G. Parking, crowd and traffic control. A plan for adequate parking facilities, crowd control and traffic control in and around the festival or outdoor entertainment area approved by the Sheriff.

H. Fire protection. A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the county's representative of the Virginia Division of Forestry.

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[2] **Editor's Note: For state law as to the regulation of sewage disposal by the State Board of Health, see Code of Virginia, §§ 32.1-163 through 32.1-166 and §§ 32.1-177 through 32.1-186.**

[3] **Editor's Note: For state law as to the sanitary requirements for food preparation, see Code of Virginia, §§ 3.1-365 to 3.1-385. As to the sanitary requirements for water supply, see Code of Virginia, §§ 62.1-45 to 62.1-62.**

I. Lighting. A statement specifying whether any outdoor lights or lighting is to be utilized and, if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival or outdoor entertainment is located, and the same shall comply with the Uniform Statewide Building Code.

### § 41-5. Revocation of permit.

The Board of Supervisors shall have the right to revoke any permit issued under this Article upon noncompliance with any of its provisions and conditions.

### § 41-6. Permit fee; refund; issuance.

A fee in the amount of twenty-five dollars ($25.) per day for each day on which entertainment is to be presented shall be payable by the applicant to the county for the issuance of the permit. If for any reason other than the revocation of the permit provided for herein the entertainment is presented for fewer than the number of days stipulated, the applicant shall be entitled to a refund of the unearned portions of the moneys collected. Upon compliance with the terms of this Article, the agent of the Board shall issue a permit to the applicant for the days designated in the application.

### § 41-7. Music prohibited certain hours.

No music shall be rendered between the hours of 12:00 midnight and 8:00 a.m.

### § 41-8. Sound level of music.

No music shall be played either by mechanical devices or live performance in such manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival or outdoor entertainment is located.

### § 41-9. Persons under sixteen years of age.

No person under sixteen (16) years of age shall be admitted to any festival or outdoor entertainment unless accompanied by a parent or guardian.

### § 41-10. Bond required; waiver. [Amended 7-12-1993]

A bond in the amount of five thousand dollars ($5,000.) shall be required and shall be conditioned to the removal and clearing of the premises so as to leave them in the same condition as they were found and further conditioned to the full and satisfactory execution and compliance with the terms of the permit when issued. Such bond shall be payable to "Appomattox County, Virginia." This bond requirement may be waived for private property.

### § 41-11. Violations and penalties; additional remedies.

A. Any person who violates any provision of this Article shall be guilty of a Class 1 misdemeanor. Each day such violation continues shall be construed a separate offense.

B. The Board may bring suit in the Circuit Court to restrain, to enjoin or otherwise to prevent violation of this Article.

### § 41-12. Construal of provisions.

The provisions of this Article shall be strictly construed in order to effectively carry out the purpose of this Article in the interest of the public health, welfare and safety of the citizens and residents of the county.

### § 41-13. Exemption from fees and bond.

The daily fees and bond provided for herein may be waived by the Board of Supervisors for established churches, chartered civic organizations or established schools, provided that all other provisions of this Article shall be fully enforceable.

## ARTICLE II
## Dance Halls[4]
## [Adopted 3-10-1978 as Art. III of Ch. 3 of the 1978 Code]

### § 41-14. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PUBLIC DANCE HALL — Any place open to the general public where dancing is permitted.

### § 41-15. Permit required; conditions of issuance.

No person shall operate a public dance hall in the county unless such person has obtained a written permit from the Board of Supervisors. No permit shall be issued unless the person desiring to obtain a public dance hall permit provides satisfactory evidence that he has complied with all applicable provisions of the Virginia Uniform Statewide Building Code and the Virginia Fire Hazards Law.

### § 41-16. Revocation of permit.

Any permit issued pursuant to the provisions of this Article shall be revoked for any violation of the provisions of this Article. No permit shall be revoked prior to reasonable notice being

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[4] **Editor's Note: For state law as to the authority of the county to adopt this Article, see Code of Virginia, § 18.2-433. For county law as to zoning requirements, see § 170-47A(32) of Ch. 170, Zoning, of the Code of Appomattox County.**

given to the permittee and without a hearing for cause before the Board of Supervisors. Revocation of such permit shall not bar prosecution for a violation of the provisions of this Article.

### § 41-17. Hours of operation. [Amended 5-23-1980]

It shall be unlawful for any person to operate or conduct a public dance hall in the county between the hours of 2:00 a.m. and 6:00 a.m. of any day and from 12:00 midnight on each Saturday night until 6:00 a.m. the following Monday.

### § 41-18. Age limit for patrons.

It shall be unlawful for any person conducting a public dance hall to allow any person under the age of sixteen (16) years to enter or to remain in such dance hall while dancing is being conducted therein unless accompanied by a parent or legal guardian or by a brother or sister over the age of twenty-one (21) years or except upon the written consent of such parent or legal guardian.

### § 41-19. Violations and penalties. [Amended 7-12-1993]

Any person guilty of a violation of the provisions of this Article shall be guilty of a Class 3 misdemeanor.

## ARTICLE III
## Billiard Rooms and Pool Halls[5]
## [Adopted 5-13-1983]

### § 41-20. Prohibited hours of operation. [Amended 7-12-1993]

It shall be unlawful for any owner, person, keeper or agent to allow any billiard room, pool hall or poolroom, whether the pool tables are coin-operated or not and whether the pool tables are regulation size or not, to operate in the County of Appomattox between the hours of 11:00 p.m. Saturday and 7:00 a.m. the following Monday morning of each week and from 12:00 midnight until 7:00 a.m. each weekday. A violation of this section shall constitute a Class 3 misdemeanor.

### § 41-21. Persons under sixteen years of age.

It shall be unlawful for any owner or employee or agent of the owner to allow any person under the age of sixteen (16) years to enter a billiard room or pool room or hall. Any person violating this section shall be guilty of a Class 3 misdemeanor as defined in § 18.2-11(c), Code of Virginia.

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[5] **Editor's Note: For county law as to zoning requirements, see § 170-47A(32) of Ch. 170, Zoning, of the Code of Appomattox County.**

## ARTICLE IV
## Game Rooms[6]
## [Adopted 7-8-1983]

### § 41-22. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PUBLIC GAME ROOM — Any place open to the general public where there is located either coin-operated or otherwise electrically operated machines, amusements or video games and non-electrically-operated games or amusements.

### § 41-23. Location.

All public game rooms must be attached to and be a part of a separate operating business that is the main enterprise, and such game rooms shall be physically attached to and opening upon said established and operating business and have the entrance to the public game room opening into for access to the business.

### § 41-24. Hours of operation.

The public game room shall have the same operating hours as the business to which it is attached, but in no case shall the public game room operate past 12:00 midnight on Saturday night of any week and after 1:00 a.m. during the other nights of the week, and such public game room may begin its operations each day at the same time that the business to which it is attached shall begin its operations.

### § 41-25. General restrictions.

A. In any business establishment having a public game room attached to it and permitting persons under nineteen (19) years of age to enter the establishment, there shall be no on-premises alcohol beverage sales. Off-premises alcoholic beverage sales shall be permitted. The words "on-premises" and "off-premises" shall have as their meanings the same meanings as given these terms in the Alcohol Beverage Control Statutes in the State of Virginia.[7]

B. No public game room shall contain any pool table, billiard table or coin-operated pool or billiard machine.

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[6] **Editor's Note: For county law as to zoning requirements, see § 170-47A(32) of Ch. 170, Zoning, of the Code of Appomattox County.**

[7] **Editor's Note: See Title 4 of the Code of Virginia.**

**§ 41-26. Violations and penalties. [Amended 7-12-1993]**

A. Except as provided in Subsection B, a violation of this Article shall constitute a Class 1 misdemeanor.

B. Any owner or employee or agent of the owner who allows a minor on the premises shall be guilty of a Class 3 misdemeanor under § 18.2-11, Code of Virginia.

**§3.1-796.91. Duplicate license tags.**

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall be one dollar.

**§3.1-796.92. Displaying receipts; dogs to wear tags.**

Dog and cat license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when

(i) the dog is engaged in lawful hunting,

(ii) the dog is competing in a dog show,

(iii) the dog has a skin condition which would be exacerbated by the wearing of a collar,

(iv) the dog is confined, or

(v) the dog is under the immediate control of its owner.

**§3.1-796.93. Governing body of county, city or town may prohibit dogs from running at large.**

The governing bodies of the counties, cities and towns of this Commonwealth are hereby authorized to prohibit the running at large of all or any category of dogs in all or any designated portion of such county, city or town during such months as they may designate. Governing bodies may also require that dogs be confined, restricted or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.

**§3.1-796.93:1. Authority to control dangerous or vicious dogs.**

A. The governing body of any county, city or town may enact an ordinance regulating dangerous dogs and vicious dogs.

B. As used in this section, "dangerous dogs" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal, and "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

**§3.1-796.93:1. Authority to control dangerous or vicious dogs.** (continued)

C. Any ordinance enacted pursuant to this section shall prescribe the following provisions:

1. Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of §3.1-796.119.

2. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was

(i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian,

(ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or

(iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

3. The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

§3.1-796.93:1. **Authority to control dangerous or vicious dogs. [continued]**

4. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence

   (i) of the animal's current rabies vaccination, if applicable, and

   (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.

   In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that

   (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and

   (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

5. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

6. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

7. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal

   (i) is loose or unconfined;

   (ii) bites a person or attacks another animal;

   (iii) is sold, given away, or dies; or

   (iv) has been moved to a different address.

8. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.

9. All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under §3.1-796.104:1.

D. Any ordinance enacted pursuant to this section may prescribe the following provisions:

1. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

2. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least $50,000, that covers animal bites.

**§3.1-796.93:1. Authority to control dangerous or vicious dogs.** [continued]

E. Not withstanding the provisions of subdivision C 1, any ordinance enacted pursuant to this section may provide that an animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

**§3.1-796.93:2. Authority to prohibit training of attack dogs.**

Any county with the urban county executive form of government may enact an ordinance which prohibits persons from training dogs on residential property to attack. As used in this section, "attack" means to attack or respond aggressively, with or without command. Any such ordinance shall exempt from its provisions the training of dogs owned by any person who resides on the property.

**§3.1-796.94. Governing body of county, city, or town may adopt certain ordinances.**

A. The governing bodies of counties, cities, and towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances which parallel §3.1-796.84 through 3.1-796.93, §3.1-796.95 through 3.1-796.104, §3.1-796.115 through 3.1-796.119, §§3.1-796.121, 3.1-796.122, §3.1-796.126:1 through 3.1-796.126:7, and §3.1-796.127 through 3.1-796.129, and of this chapter.

Any funds collected pursuant to the enforcement of ordinances adopted pursuant to the provisions of this section may be used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

Nothing in this section shall be construed so as to prevent or restrict any local governing body from adopting local animal control ordinances which are more stringent than §3.1-796.84 through 3.1-796.93, §3.1-796.95 through 3.1-796.104, §3.1-796.115 through 3.1-796.119, §§3.1-796.121, 3.1-796.122, §3.1-796.126:1 through 3.1-796.126:7, and §3.1-796.127 through 3.1-796.129, and of this chapter.

B. The governing bodies of counties, cities or towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances establishing uniform schedules of civil penalties for violations of specific provisions of ordinances adopted pursuant to this section. Designation of a particular violation for a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. The schedule for civil penalties shall be uniform for each type of specified violation and the penalty for any one violation shall not be more than $150. Imposition of civil penalties shall not preclude an action for injunctive, declaratory or other equitable relief. Moneys raised pursuant to this subsection shall be placed in the locality's general fund.

An animal control officer or law-enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county, city or town issuing the summons or ticket prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

**§3.1-796.94:1. Regulation of keeping of animals and fowl.**

Any county may, whenever in the judgment of the board of supervisors the same is necessary, for the preservation of public health, regulate by ordinance the keeping of animals or fowl, other than dogs and cats, within a certain distance of residences or other buildings or wells, springs, streams, creeks, or brooks, and provide that all or certain of such animals shall not be kept within certain areas.

SUPERVISORS

OMATTOX RIVER DISTRICT
NIS W. TORRENCE

OURTHOUSE DISTRICT
P.E. "GUS" PAULETTE

FALLING RIVER DISTRICT
GARET K. BOSIGER

PINEY MOUNTAIN DISTRICT
RUSSELL H. MOORE

WRECK ISLAND DISTRICT
FRANK H. CARWILE

**APPOMATTOX COUNTY**

**BOARD OF SUPERVISORS**

P.O. Box 863
Appomattox, Virginia 24522

COUNTY ADMINISTRATOR

AILEEN T. FERGUSON

(804) 352-2637
FAX No. (804) 352-4214

ORDINANCE

~~CHAPTER 44, Section 44.2~~

Amdended and Adopted: May 6, 1996

LARGE
RUNNING AT LAGRE - PROHIBITED DURING CERTAIN MONTHS

It shall be unlawful for the owner of any dog to permit such dog to run at large from April 15 to May 15. Any dog shall be deemed to run at large while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this secion and shall be guilty of a Class IV Misdeameanor.

NOTE: For State Law authorizing this section, see Code of Virginia (1950 as amended). Section 3.1-769.93.

# Chapter 44

# Animals


ARTICLE I
**Statutory Provisions; Dog Licensing**

**§ 44-1. Adoption of Title 3.1, Chapter 27.4, by reference; pertinent sections.**

**§ 44-2. License tax amounts.**

ARTICLE II
**Dogs Running at Large**

**§ 44-3. Running at large prohibited during certain months.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I); Art. II, 5-6-1996. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Hunting — See Ch. 87.**

## ARTICLE I
## Statutory Provisions; Dog Licensing
## [Adopted 7-12-1993]

### § 44-1. Adoption of Title 3.1, Chapter 27.4, by reference; pertinent sections.

The provisions of Title 3.1, Chapter 27.4, § 3.1-796.66 et seq., Code of Virginia, as amended, are adopted herewith by reference to be applicable in Appomattox County, except that § 3.1-796.95 shall be omitted. The requirements of Subsection (ii) or (iii) of § 3.1-796.118 shall not be waived. The amounts set forth in § 3.1-796.121 shall not exceed fifty dollars ($50.).

### § 44-2. License tax amounts.

Except as hereinafter provided, it shall be unlawful for any person to own a dog four (4) months old or over in this county unless such dog is licensed as required by the provisions of this Article. Dog licenses shall run by the calendar year, namely, from January 1 to December 31, inclusive, and the license tax shall be payable at the office of the Treasurer and shall be as follows:

A. All dogs. For all dogs, regardless of sex: four dollars ($4.).

B. Kennel for twenty (20) dogs. For a kennel of twenty (20) dogs: twenty-five dollars ($25.).

C. Kennel for fifty (50) dogs. For a kennel of fifty (50) dogs: thirty-five dollars ($35.).

D. No license tax shall be charged for any dog which is trained and serves as a guide dog for a blind or hearing-impaired person.

E. A fee of five dollars ($5.) shall be charged for persons wishing to adopt a pet from the animal pound.

F. Persons wishing to claim their licensed dog from the animal pound shall be charged a fee of one dollar ($1.) for each day the dog is confined, not to exceed five dollars ($5.). Persons wishing to claim their unlicensed dog shall be charged a fee of five dollars ($5.) for the first day and one dollar ($1.) for each subsequent day the dog is confined, not to exceed ten dollars ($10.).

G. Any dog owner that has had his or her dog spayed or neutered shall be granted a waiver of the license fee for one (1) year.

## ARTICLE II
## Dogs Running at Large
## [Adopted 5-6-1996]

### § 44-3. Running at large prohibited during certain months.

It shall be unlawful for the owner of any dog to permit such dog to run at large from April 15 to May 15. Any dog shall be deemed to run at large while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section and shall be guilty of a Class IV misdemeanor.

NOTE: For state law authorizing this section, see § 3.1-769.93 of the Code of Virginia 1950, as amended.

# Chapter 48

# BRUSH, GRASS AND WEEDS


ARTICLE I
**Johnsongrass Control**

**§ 48-1. Title.**
**§ 48-2. Authority.**
**§ 48-3. Applicability.**
**§ 48-4. Purpose; declaration as public nuisance.**
**§ 48-5. Word usage.**
**§ 48-6. Definitions.**
**§ 48-7. Administration.**
**§ 48-8. Johnsongrass Control Committee; duties and powers.**
**§ 48-9. Responsibilities and procedures.**
**§ 48-10. Responsibility for costs; appropriation of funds.**
**§ 48-11. Violations and penalties; referral for prosecution; disposition of fines.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 2-6-1987. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Outdoor burning — See Ch. 54.**

## ARTICLE I
## Johnsongrass Control
## [Adopted 2-6-1987]

### § 48-1. Title.

This Article shall hereinafter be known as and may be cited as the "Johnsongrass Control Ordinance of Appomattox County."

### § 48-2. Authority.

This Article is enacted under the authority granted by Act of the General Assembly of Virginia as provided in Title 15.1, § 15.1-28.4, Code of Virginia 1950, and amendments thereto.

### § 48-3. Applicability.

The provisions of this Article shall apply to all land within Appomattox County, including the incorporated municipalities.

**§ 48-4. Purpose; declaration as public nuisance.**

This Article is adopted for the purpose of preventing, controlling and abating the growth, importation and contamination of uninfested lands by the species commonly known as "Johnsongrass." The existence of growth of this species is hereby declared to be a public nuisance in Appomattox County, Virginia.

**§ 48-5. Word usage.**

In the construction of this Article, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

A. Words used in the present tense shall include the future, and words used in a singular number shall include the plural number and the plural singular.

B. The word "shall" is mandatory and not discretionary.

C. The word "may" is permissive and not mandatory.

D. Any reference to this Article includes all ordinances amending or supplementing the same.

**§ 48-6. Definitions.**

For the purpose of this Article, certain words or terms used herein shall be defined as follows:

BOARD OF SUPERVISORS — The governing body of Appomattox County, Virginia.

CONTROL ZONE — Appomattox County, Virginia, including the incorporated municipalities.

JOHNSONGRASS — The existence of growth of a species of grass, Sorghum halepense.

JOHNSONGRASS CONTROL COMMITTEE — A Committee of five (5) members (herein referred to as the "Committee"), appointed by the Board of Supervisors, which is responsible for administering the Johnsongrass Control Program in Appomattox County, Virginia.

LANDOWNER — Any person holding a fee simple interest or a leaseholder interest in property located in Appomattox County, Virginia. "Landowner" does not include the holder of an easement.

**§ 48-7. Administration.**

A. The program supervisors shall be considered the agent of the Board of Supervisors. The Johnsongrass Committee, as appointed by the Board of Supervisors, is hereby delegated to administer this Article.

B. Additional authority. In addition to the regulations herein contained, the program supervisors may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this Article or such other authority as the Board of Supervisors might delegate.

**§ 48-8. Johnsongrass Control Committee; duties and powers.**

A. Johnsongrass Control Committee. There is hereby established a Johnsongrass Control Committee composed of five (5) members, each to serve at the pleasure of the Board of Supervisors. Members of the Committee shall be appointed from farmers, the Agricultural Stabilization and Conservation Service, Vocational Agriculture, the Farm Bureau, the Cooperative Extension Service, the Soil Conservation Service, the Department of Highways and utility companies and members of the general public as deemed desirable by the Board of Supervisors. The members shall serve without compensation.

B. Duties and powers of Committee. The Johnsongrass Control Committee shall appoint all individuals responsible for the Johnsongrass Control Program, from time to time approve prevention and treatment procedures and recommend to the Board of Supervisors the expenditure of any necessary funds subject to the approval of the Board of Supervisors, as well as administer the Johnsongrass Control Program.

**§ 48-9. Responsibilities and procedures.**

A. It shall be unlawful to knowingly allow Johnsongrass to set seed on any land in the control zone. It shall be the duty of each landowner to mow, fallow, treat with herbicides or use such other practices as may be approved by the Committee as effective in preventing seed set on all Johnsongrass on his property; provided, however, that as long as a landowner or lessee follows the current recommendations of the Virginia Polytechnic Institute and State University Cooperative Extension Service, he shall not be in violation of this Article.

B. It shall be unlawful to import Johnsongrass into Appomattox County or to transport Johnsongrass within Appomattox County in any form capable of growth or to knowingly contaminate any uninfested land with Johnsongrass through the movement or rootstock, plant parts, seed, soil, mulch, nursery stock, farm machinery or other media.

C. The Committee or its representative shall conduct surveys to determine the location and amount of infestations of Johnsongrass within Appomattox County; shall provide the necessary technical and other assistance to landowners in a cooperative control or eradication program; and may effect a program of spraying or other control practices on road rights-of-way, drainage ditch banks, parks, playgrounds, utility rights-of-way and other public or private lands.

D. In cooperation and agreement with the landowners, services rendered for actual control practices may be billed to the landowner or lessee and collected. All reimbursements shall be promptly deposited in a specified Johnsongrass Control Fund as a part of the General Revenue Fund of Appomattox County, regardless of date accrued or collected.

E. The Board of Supervisors may accept, use or expend such aid, gift, grant or loan as may, from time to time, be made available from any source, public or private, for the purposes of carrying out the provisions of this Article.

F. The Board of Supervisors may enter into an agreement with the Virginia Department of Agriculture and Consumer Services for the purpose of the control of Johnsongrass within Appomattox County and may accept funds from said Department as agreed upon.

**§ 48-10. Responsibility for costs; appropriation of funds.**

It will be the landowner's primary responsibility to meet the major burden of the costs for the control and eradication of Johnsongrass in cooperation with the Johnsongrass Control Committee and in accordance with any written agreements between the landowners and the Committee. The Board of Supervisors may, from time to time, appropriate local funds to implement and continue the Johnsongrass Control Program. Local funds appropriated by the Board of Supervisors will be used to match funds extended by the Virginia Department of Agriculture and Consumer Service on a fifty-fifty basis. The landowner will be expected to participate in a cost share funding situation. A fund will be established for hardship cases as determined by the Committee.

**§ 48-11. Violations and penalties; referral for prosecution; disposition of fines. [Amended 7-12-1993]**

A. Any person, firm or corporation who or which violates any provision of this Article after having been notified, in writing, of such violation by the Committee shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished as provided for by county law. Each violation shall be punished as a separate offense.

B. The Chairman of the Johnsongrass Control Committee shall refer all violators of this Article to the County Attorney for prosecution.

C. Any fines collected shall be used in the Johnsongrass Control Program, after any court costs are paid.

# Chapter 51

# BUILDING CONSTRUCTION


§ 51-1. Office of Building and Housing; cost of enforcement; Building Official and Building Inspector.

§ 51-2. Permit required; issuance; display.

§ 51-3. Fee schedules.

§ 51-4. Contractors to be registered and/or certified.

§ 51-5. Board of Building Code Appeals; application for appeal; members; compensation.

§ 51-6. Enforcement; violations and penalties.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County at time of adoption of Code 7-12-1993; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]**

GENERAL REFERENCES

Erosion and sediment control — See Ch. 71.
Fire prevention — See Ch. 76.
Subdivision of land — See Ch. 141.
Zoning — See Ch. 170.

## § 51-1. Office of Building and Housing; cost of enforcement; Building Official and Building Inspector.[1]

A. There is hereby established an Office of Building and Housing whose responsibility it is to enforce the provisions of the Virginia Uniform Statewide Building Code, as stated in Article I, § 102, of the Uniform Statewide Building Code, Volume I.

B. Cost of the enforcement thereof shall be defrayed through the levying of the fees by the Office of Building and Housing and as provided in § 36-105, Code of Virginia 1950, as amended.

C. The Office of Building and Housing shall have a Building Official and an Inspector who shall be appointed by the Board of Supervisors, and such Building Official and such Building Inspector shall serve at the pleasure of the Board of Supervisors, and it shall be their duty, authority and responsibility to organize and to see to the daily operations of the Office of Building and Housing.

## § 51-2. Permit required; issuance; display.

A. No person shall commence the construction, enlargement, alteration or demolition of any building or structure or part or parts thereof located in the county or make other changes which are regulated by the Virginia Uniform Statewide Building Code until there shall

1 Editor's Note: For state law as to the Statewide Building Code, see Code of Virginia, § 36-97 et seq.

have first been obtained from the Building Official a permit, in writing, signed by such Official or his authorized agent.

B. The Building Official shall issue such permits, when the same are required, to every person who shall apply therefor and describe with reasonable certainty the kind and the character of the work to be done and the estimated cost thereof; and each permit shall state the matter so described.

C. Such permits when issued shall be prominently displayed at the site of the construction, repair or improvements so as to be available for inspection by agents of the Board of Supervisors, the Building Official, the Sheriff and other county law enforcement agencies.

**§ 51-3. Fee schedules.**

A. No permit to begin work for new construction or other building repair or renovation, alteration, addition, removal, demolition, use or maintenance shall be issued until the fees prescribed in this section have been paid. No work is to commence prior to the issuance of the permit unless approved by the Office of Building and Housing. The fees shall be affixed at the following rates:

(1) New residential construction, six cents ($0.06) per square foot of floor area under roof, including finished basement. Unfinished basement floor area and carports are computed at four cents ($0.04) per square foot of floor area. This fee also covers the cost of the mechanical, plumbing and electrical permits on new residential construction only. The minimum fee shall be twenty dollars ($20.) per unit.

(2) Farm construction. An application must be filled out but no permit is required and no inspections will be made on farm buildings, unless more than ten (10) people are employed there. In the cases where ten (10) or more people would be employed, the commercial fees found in Subsection A(3) shall apply.

(3) New church, lodge, club, hospital, medical, nursing home, office, educational, retail, commercial, manufacturing and warehouse construction is computed at four cents ($0.04) per square foot of floor area, including basement floor area, up to and including five thousand (5,000) square feet. All floor area, including basement floor area, in excess of five thousand (5,000) square feet shall be at three cents ($0.03) per square foot. The minimum fee shall be twenty dollars ($20.). One-half (½) of the calculated fee will be deducted, provided that the certified design engineer or architect certifies, in writing, that such structure was designed and constructed in compliance with the Virginia Uniform Statewide Building Code. In the event that the Building Official finds it necessary to have plans reviewed or on-site inspections performed by an independent architect or engineer, the same will be billed to the applicant. The Building Official may in such instances apply computed fees toward the fee for such services. In no instance will any fee be less than one-half (½) of the calculated fee. The minimum fee shall be twenty dollars ($20.), with plumbing, electrical and mechanical work not included.

(4) Alterations and renovations to existing buildings, are computed at four cents ($0.04) per square foot of floor area undergoing alteration, renovation or repair, with

**AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA, HELD AT THE COMMUNITY CENTER, APPOMATTOX, VIRGINIA, ON MONDAY, THE 5TH DAY OF JULY, 2006.**

## AN ORDINANCE TO AMEND AND READOPT CHAPTER 51- "BUILDING CONSTRUCTION" OF THE APPOMATTOX COUNTY CODE

*The purpose of the amendment is to formally adopt the Uniform Statewide Building Code (2003) (USBC) and the Statewide Fire Prevention Code (2003) (SFPC) and to change the name of the "Office of Building and Housing" to the "Office of Building Inspections"*

Be it ordained that the Appomattox County Board of Supervisors does hereby change the name of the "Office of Building and Housing" to the "Office of Building Inspections" and that Sections 51-1, 51-1(A), 51-1(B), 51-1(C), 51-3(A), 51-3(G) of the Appomattox County Code be amended to better reflect the mission of that office.

Be it further ordained that the Appomattox County Board of Supervisors does hereby formally adopt the Uniform Statewide Building Code (2003) and that Sections 51-1(A), 51-2(A), 51-3(A)(3), 51-3(A)(5), 51-3(A)(9), 51-5(A), 51-5(B), 51-5(C) and 51-6 of the Appomattox County Code is hereby amended to reflect said adoption

Be it further ordained that the Appomattox County Board of Supervisors does hereby formally adopt the Statewide Fire Prevention Code and that Section 51-7 shall be added to the Appomattox County Code in the following manner: "Appomattox County does hereby adopt the Statewide Fire Prevention Code and shall vest enforcement authority in a Fire Marshall appointed by Board of Supervisors."

Except as hereby amended the rest of Chapter 51 of the Appomattox County Code will remain in full force and effect.

As adopted this 5th day of July, 2006.

For the Board of Supervisors

_____
Samuel E. Carter, Chairman

Attest:

_____
Aileen T. Ferguson, Clerk

**§ 51-3 Fee Schedules.**

A. No permit to begin work for new construction or other building repair or renovation, alteration, addition, removal, demolition, use or maintenance shall be issued until the fees prescribed in this section have been paid. No work is to commence prior to the issuance of the permit unless approved by the Office of Building and Housing. The fees shall be affixed at the following rates:

1. New residential construction, twelve cents ($0.12) per square foot of floor area under roof, including finished basement. Unfinished basement floor area and carports are computed at eight cents ($0.08) per square foot of floor area. This fee also covers the cost of the mechanical, plumbing and electrical permits on new residential construction only. The minimum fee shall be forty dollars ($40.00) per unit.

2. Farm construction. An application must be filled out but no permit is required and no inspections will be made on farm buildings, unless more than ten (10) or more people would be employed, the commercial fees found in Subsection A(3) shall apply.

3. New church, lodge, club, hospital, medical, nursing home, office, educational, retail, commercial, manufacturing and warehouse construction is computed at eight cents ($0.08) per square foot of floor area, including basement floor area, up to and including five thousand( 5,000) square feet. All floor area, including basement floor area, in excess of five-thousand (5,000) shall be at six cents ($0.06) per square foot. The minimum fee shall be forty dollars ($40.00). One-half (½) of the calculated fee will be deducted, provided that the certified design engineer or architect certifies in writing, that such structure was designed and constructed in compliance with the Virginia Uniform Statewide Building Code. In the event that the Building Official finds it necessary to have plans reviewed or on-site inspections performed bu an independent architect or engineer, the same will be billed to the applicant. The Building Official may in such instances apply computed fees toward the fee for such services. In no instance will any fee be less than one-half (½) of the calculated fee. The minimum fee shall be forty dollars ($40.00), with plumbing, electrical and mechanical work not included.

4. Alterations and renovation to existing buildings, are computed at eight cents ($0.08) per square foot of floor area undergoing alteration, renovation or repair, with plumbing, electrical and mechanical work not included. The minimum fee for alteration and renovations shall be forty dollars ($40.00) per unit.

5. Nothing in this regulation shall be construed to exempt anyone from obtaining the required permit where such work is regulated by the Basic Code. No fee shall be charged for new construction alterations where the value of the structural work only does not exceed one thousand five-hundred dollars ($1,500.) Or the structure is not over one hundred fifty (150) square feet, provided that, in the opinion of the Building Official, such does not alter the structural integrity of an existing building or otherwise conflict with the general meaning and purpose of the Uniform Statewide Building Code.

6. Chimney construction in existing buildings: forty dollars ($40.00) per chimney.

7. No fee shall be charged for finishing work such as plastering, painting, recovering roofs or refinishing interior walls. However, brick veneering (residential and commercial) shall be computed at ten cents ($0.10) per linear foot of foundation.

8. Modular homes fee: same as residential.

9. Mobile home fee: one hundred dollars ($100.00) per building.

10. Swimming pool fee: Fifty dollars ($50.00).

B. Moving of building or structure fees.

1. No permit is required for moving a building that has no utility connection and where movement will not be on a public street or road.

2. The fee for the moving and relocating of all buildings and structures with utilities and service connections shall be one hundred dollars ($100.00) per building.

C. Demolition of buildings or structure fees.

1. No permit is required and no fee shall be charged for demolition of a building unless utilities are connected.

2. The fee for demolition of all buildings and structures with utilities and service connections shall be forty dollars ($40.00) per building.

D. Heating equipment and appliance fees. The following fees shall be paid for each heating and gas appliance permit issued for installation, alterations or repairs in any building within the county. The minimum fee shall be forty dollars ($40.00). No permit is required for replacement units, provided that there is no change in load.

1. For each gas-or oil-fired appliance such as ranges, refrigerators, water heaters, space heaters and other like small appliances: eight dollars ($8.00) for the first appliance and five dollars ($5.00) for each additional appliance.

2. For each floor furnace installation: Eight dollars ($8.00).

3. For each warm-air furnace installation: eight dollars ($8.00), plus two dollars ($2.00) for each air outlet.

4. For each hot-water boiler installation: eight dollars ($8.00), plus two dollars ($2.00) for each heating unit.

5. For each steam boiler installation (low pressure): Eight dollars ($8.00, plus two dollars ($2.00) for each heating unit.

6. For each steam boiler installation (high pressure): Eight dollars ($8.00), plus two dollars ($2.00) for each heating unit.

7. For each conversion boiler installation: Eight dollars ($8.00).

8. For each unit heater installation: Eight dollars ($8.00).

9. For each industrial equipment installation: Ten dollars ($10.00).

10. For each stoker installation: Eight dollars ($8.00).

11. For each fuel tank installation: Ten dollars ($10.00).

12. For central air conditioning installation: Eight dollars ($8.00), plus two dollars ($2.00) for each air outlet installed.

E. Electrical Permit fees. Electrical fees for all wiring to outlets, switches and openings for lights or apparatus shall be as follows. The minimum fee shall be forty dollars ($40.00). No permit is required on replacement outlets, fixtures or electrical equipment if no change in load or if no additional wiring is required.

1. For all wiring to outlets, switches and openings for lights or apparatus, as follows:

| **Number of outlets** | **Fee** | |
|---|---|---|
| 1 to 5 | $6.00 | |
| 6 to 15 | $8.00 | |
| 16 to 24 | $12.00 | up to 25 outlets ($12.00) |
| 25 to 40 | $16.00 | |
| 41 to 60 | $20.00 | |
| 61 to 80 | $24.00 | |
| 80 to 100 | $28.00 | up to 100 outlets ($24.00) |
| Over 100 | $0.15 | each |

2. For all electrical apparatus not mentioned above, excepting desk fans, charges shall be made in accordance to the number of horsepower rated to operate the apparatus or, in the case of generators, the number of horsepower in rated output, as follows:

| **Number of horsepower** | **Fee** | |
|---|---|---|
| Up to and including 1 | $6.00 | |
| Over 1 and up to and including 10 | $15.0 | |
| 25 and up to and including 40 | $30.0 | |
| Over 40 and up to and including 100 | $50.00 | |
| Over 100 horsepower | $50.00 | plus $0.20 per horsepower |

3. For electric ranges, refrigerators, radio apparatus, electric signs, window air conditioners, and other appliances requiring special wiring, the fee shall be ten dollars ($10.00) each. When a group of appliances requiring special wiring and similar to those listed in the preceding paragraph is installed at the same time and requires only one (1) inspection trip, the fee shall be eight dollars ($8.00) for the first appliance and five dollars ($5.00) for each additional appliance.

4. For new service entrances requiring or replacing service equipment, the fee is forty dollars ($40.00).

F. Elevator Fees.

1. The fee for the installation permit for each freight elevator and each passenger elevator shall be forty dollars ($40.00), plus one percent (0.1%) of the total cost of installation including labor and material.

2. The fee for the installation permit for each dumbwaiter shall be twenty dollars ($20.00), plus one percent (0.1%) of the total costs of installation, including labor and material.

G. Plumbing, drainage and gas piping fees. Plumbing Permit fees for each plumbing permit issued for installation, alterations or repairs in any building within the county shall be a minimum fee of forty dollars ($40.00). The following fees shall be paid to the Office of Building and Housing for each additional plumbing permit issued for installations, alterations or repairs in any building within the county. No permit is required for the replacement of plumbing fixtures where no extension of water service line or drain is required.

1. For each plumbing fixture, such as water closets, lavatories, bathtubs, showers and kitchen sinks or any other such fixture: Five dollars ($5.00) each.
2. For installation of a water service line, whether it is an extension or replacement: Five cents ($0.05) per linear foot.
3. For each floor or area drain: Five dollars ($5.00).
4. For each house sewer: Five dollars ($5.00).
5. For each domestic hot-water storage tank: Ten dollars ($10.00).
6. For each washer (if installed separately): Ten dollars ($10.00).
7. For each dryer (if installed separately): Ten dollars ($10.00).
8. For each washer and dryer combination: Fifteen dollars ($15.00).
9. For each hot-water heater (gas or electric): Ten dollars ($10.00).
10. For each stationary automatic dishwasher: Ten dollars ($10.00).
11. When a combination bathtub and shower is installed on a new installation: no additional fee for the shower.

plumbing, electrical and mechanical work not included. The minimum fee for alteration and renovations shall be twenty dollars ($20.) per unit.

(5) Nothing in this regulation shall be construed to exempt anyone from obtaining the required permit where such work is regulated by the Basic Code. No fee shall be charged for new construction alterations where the value of the structural work only does not exceed one thousand five hundred dollars ($1,500.) or the structure is not over one hundred fifty (150) square feet, provided that, in the opinion of the Building Official, such does not alter the structural integrity of an existing building or otherwise conflict with the general meaning and purpose of the Uniform Statewide Building Code.

(6) Chimney construction in existing buildings: twenty dollars ($20.) per chimney.

(7) No fee shall be charged for finishing work such as plastering, painting, recovering roofs or refinishing interior walls. However, brick veneering (residential and commercial) shall be computed at five cents ($0.05) per linear foot of foundation.

(8) Modular homes fee: same as residential.

(9) Mobile home fee: fifty dollars ($50.). Any mobile home stationed or relocated within the county shall meet all of the requirements as set forth by the Virginia Uniform Statewide Building Code.

(10) Swimming pool fee: twenty-five dollars ($25.).

B. Moving of buildings or structures fees.

(1) No permit is required for moving a building which has no utility connection and where movement will not be on a public street or road.

(2) The fee for the moving and relocating of all buildings and structures with utilities and service connections shall be fifty dollars ($50.) per building.

C. Demolition of buildings or structures fees.

(1) No permit is required and no fee shall be charged for demolition of a building unless utilities are connected.

(2) The fee for demolition of all buildings and structures with utilities and service connections shall be twenty dollars ($20.) per building.

D. Heating equipment and appliance fees. The following fees shall be paid for each heating and gas appliance permit issued for installation, alterations or repairs in any building within the county. The minimum fee shall be twenty dollars ($20.). No permit is required for replacement units, provided that there is no change in load.

(1) For each gas- or oil-fired appliance such as ranges, refrigerators, water heaters, space heaters and other like small appliances: five dollars ($5.) for the first appliance and three dollars ($3.) for each additional appliance.

(2) For each floor furnace installation: three dollars ($3.).

(3) For each warm-air furnace installation: three dollars ($3.), plus one dollar ($1.) for each air outlet.

(4) For each hot-water boiler installation: three dollars ($3.), plus one dollar ($1.) for each heating unit.

(5) For each steam boiler installation (low pressure): three dollars ($3.), plus one dollar ($1.) for each heating unit.

(6) For each steam boiler installation (high pressure): three dollars ($3.), plus one dollar ($1.) for each heating unit.

(7) For each conversion boiler installation: three dollars ($3.).

(8) For each unit heater installation: three dollars ($3.).

(9) For each industrial equipment installation: three dollars ($3.).

(10) For each stoker installation: three dollars ($3.).

(11) For each fuel tank installation: three dollars ($3.).

(12) For central air conditioning installation: three dollars ($3.), plus one dollar ($1.) for each air outlet installed.

E. Electrical permit fees. Electrical fees for all wiring to outlets, switches and openings for lights or apparatus shall be as follows. The minimum fee shall be twenty dollars ($20.). No permit is required on replacement outlets, fixtures or electrical equipment if no change in load or if no additional wiring is required.

(1) For all wiring to outlets, switches and openings for lights or apparatus, as follows:

| **Number of Outlets** | **Fee** |
|---|---|
| 1 to 5 | $3.00 |
| 6 to 15 | $4.00 |
| 16 to 24 | $6.00 |
| 25 to 40 | $8.00 |
| 41 to 60 | $10.00 |
| 61 to 80 | $12.00 |
| 81 to 100 | $14.00 |
| Over 100 | $0.10 each |

(2) For all electrical apparatus not mentioned above, excepting desk fans, charges shall be made in accordance to the number of horsepower rated to operate the apparatus or, in the case of generators, the number of horsepower in rated output, as follows:

| Number of Horsepower | Fee |
|---|---|
| Up to and including 1 | $3.00 |
| Over 1 and up to and including 3 | $5.00 |
| Over 3 and up to and including 5 | $7.00 |
| Over 5 and up to and including 10 | $9.00 |
| Over 10 and up to and including 15 | $11.00 |
| Over 15 and up to and including 20 | $13.00 |
| Over 20 and up to and including 25 | $15.00 |
| Over 25 and up to and including 40 | $18.00 |
| Over 40 and up to and including 60 | $21.00 |
| Over 60 and up to and including 75 | $24.00 |
| Over 75 and up to and including 100 | $27.00 |
| Over 100 horsepower | $27.00, plus $0.15 per horsepower |

(3) For electric ranges, refrigerators, radio apparatus, electric signs, window air conditioners and other appliances requiring special wiring, the fee shall be five dollars ($5.) each. When a group of appliances requiring special wiring and similar to those listed in the preceding paragraph is installed at the same time and requires only one (1) inspection trip, the fee shall be five dollars ($5.) for the first appliance and three dollars ($3.) for each additional appliance.

(4) For new service entrances rewiring or replacing service equipment, the fee is twenty dollars ($20.).

F. Elevator fees.

(1) The fee for the installation permit for each freight elevator and each passenger elevator shall be twenty-five dollars ($25.), plus seven-tenths percent (0.7%) of the total cost of installation, including labor and material.

(2) The fee for the installation permit for each dumbwaiter shall be ten dollars ($10.), plus seven-tenths percent (0.7%) of the total costs of installation, including labor and material.

G. Plumbing, drainage and gas piping fees. Plumbing permit fees for each plumbing permit issued for installation, alterations or repairs in any building within the county shall be a minimum fee of twenty dollars ($20.). The following fees shall be paid to the Office of Building and Housing for each additional plumbing permit issued for installations, alterations or repairs in any building within the county. No permit is required for the replacement of plumbing fixtures where no extension of water service line or drain line is required.

(1) For each plumbing fixture, such as water closets, lavatories, bathtubs, showers and kitchen sinks or any other such fixture: one dollar ($1.) each.

(2) For installation of a water service line, whether it is an extension or replacement: three cents ($0.03) per linear foot.

(3) For each floor or area drain: one dollar ($1.).

(4) For each house sewer: three dollars ($3.).

(5) For each domestic hot-water storage tank: one dollar ($1.).

(6) For each washer (if installed separately): five dollars ($5.).

(7) For each dryer (if installed separately): five dollars ($5.).

(8) For each washer and dryer combination: eight dollars ($8.).

(9) For each hot-water heater (gas or electric): five dollars ($5.).

(10) For each stationary automatic dishwasher: five dollars ($5.).

(11) When a combination bathtub and shower is installed on a new installation: no additional fee for the shower.

### § 51-4. Contractors to be registered and/or certified.

No person, firm or corporation shall conduct the business of building construction, electrical installations, heating and gas appliance installations, plumbing installation, elevator installations or air conditioning installation in the county unless and until such person, firm or corporation:

A. Shall be registered with the State Registration Board of Contractors in accordance with § 54.1-110B, Code of Virginia; and/or

B. Shall hold a valid certification as an electrician, heating and gas fitter, plumber, elevator contractor or air conditioning contractor, in accordance with § 15.1-11.4, Code of Virginia.

### § 51-5. Board of Building Code Appeals; application for appeal; members; compensation.

A. The owner of a building or structure or any other person aggrieved by a decision of the Building Official may appeal to the Board of Building Code Appeals from a decision of the Building Official refusing to grant a modification of the provisions of the Basic Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

B. Application for appeal may be made when it is claimed that the true intent of the Basic Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Basic Code do not fully apply or an equally good or better form of construction can be used.

C. The members of the Board of Building Code Appeals shall be appointed and operate in conformance with Virginia Uniform Building Code. Compensation shall be determined from time to time by the Board of Supervisors.

### § 51-6. Enforcement; violations and penalties.

It shall be the responsibility and duty of the Building Official to enforce the provisions of the Virginia Uniform Statewide Building Code and the building regulations adopted by the State

Board of Housing, and any violation of this chapter shall be a misdemeanor and shall be punishable as set forth in Chapter 6, Title 36, of the Code of Virginia.

# Chapter 54

# BURNING, OUTDOOR


§ 54-1. Burning prohibited unless precautionary measures taken.

§ 54-2. Time limits on burning during certain months; exceptions.

§ 54-3. Fires built near flammable materials.

§ 54-4. Violations and penalties; additional remedies.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1978 as Sec. 9-2 of Ch. 9 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

**Fire prevention — See Ch. 76.** **Brush, grass and weeds — See Ch. 48.**

## § 54-1. Burning prohibited unless precautionary measures taken.[1]

It shall be unlawful for any owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he previously shall have taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he shall have taken similar precautions to prevent the spread of such fire to any other land.

## § 54-2. Time limits on burning during certain months; exceptions. [Amended 7-12-1993]

During the period beginning March 1 and ending May 15 of each year, even though the precautions required by the foregoing section shall have been taken, it shall be unlawful for any person to set fire to or to procure another to set fire to any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire located in or within three hundred (300) feet of any woodland or brushland except between the hours of 4:00 p.m. and 12:00 midnight. The provisions of § 54-1 shall not apply to any fires which may be set on rights-of-way of railroad companies by their duly authorized employees.

## § 54-3. Fires built near flammable materials. [Added 7-12-1993]

Any person who builds a fire in the open air or uses a fire built by another in the open air within one hundred fifty (150) feet of any woodland, brushland or field containing dry grass or other

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1 **Editor's Note: For state law similar to this chapter, see Code of Virginia, § 10.1-1142.**

inflammable material shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

**§ 54-4. Violations and penalties; additional remedies.**

A. Any person violating any provisions of this chapter shall be guilty of a Class 3 misdemeanor for each separate offense. **[Amended 7-12-1993]**

B. If any forest fire shall originate as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the state and to the county for the full amount of all expenses incurred by the state and the county, respectively, in suppressing such fire, such amounts to be recoverable by action brought by the State Forester in the name of the commonwealth on behalf of the commonwealth and by the Board of Supervisors on behalf of the county.

# Chapter 61

# CHECKS, FRAUDULENT

**§ 61-1. Fee.**

**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 8-15-1980; amended in its entirety at time of adoption of Code 7-12-1933 (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

## § 61-1. Fee.[1]

There shall be assessed a fee of twenty dollars ($20.) for the uttering, publishing or passing of any check or draft for payment of taxes or any other sums due the county which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

[1] **Editor's Note: For state law as to the authority of the county to impose a bad check fee, see Code of Virginia, § 15.1-29.4.**

# CHAPTER 71
# EROSION AND SEDIMENT CONTROL
*[As amended by the Appomattox County Board of Supervisors February 4, 2002]*

## 71-1 Purpose.[1]
The purpose of this Chapter is to conserve the land, water, and other natural resources of the county and to promote the public health and welfare of the people in the county by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.

## 71-2 Authorization.
This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4, known as the "Erosion and Sediment Control Law." Such Article provides for a comprehensive statewide program with standards and guidelines to control soil erosion and sedimentation which is implemented on the local level.

## 71-3 Definitions.
As used in this Chapter, unless the context clearly requires a different meaning, the terms used shall have the meanings as set forth in §10.1-560 of the Code of Virginia.

## 71-4 Utility and railroad companies.
Construction, installation, or maintenance of electric and telephone utility lines and natural gas pipelines, and the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of railroad companies must be conducted pursuant to Code of Virginia §10.1-563(D).

## 71-5 Standards; Activities not considered land-disturbance activities.
A. Pursuant to Code of Virginia §10.1-562, the County hereby adopts the regulations, references, guidelines, standards, and specifications promulgated by the Virginia Soil and Water Conservation Board for the effective control of soil erosion and sedimentation deposition to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Said regulations, references, guidelines, standards, and specifications for erosion and sedimentation control are included in, but not limited to, the *Virginia Erosion and Sediment Control Regulations*, the *Virginia Stormwater Management Handbook*, and the *Virginia Erosion and Sediment Control Handbook*, as amended from time to time.

B. As provided by the Code of Virginia, §10.1-560, the following activities are not considered land disturbing activities for the purposes of this chapter:

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[1] Editor's note: For state law as to erosion control, see Code of Virginia §10.1-560 et seq.

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work.

2. Individual service connections.

3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

5. Surface or deep mining.

6. Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas.

7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia §10.1-1100 et seq., or the area is converted to bona fide agricultural or improved pasture use. Evidence of intent of bona fide agricultural or improved pasture use shall require, as a minimum and within twelve months from the date of completion of commercial cutting, that the land intended for such use shall be cleared of all trees, snags, brush, tree tops, and debris by piling and burning or otherwise disposing of the same, or by enclosing the area with a well-constructed fence and planting grass seed thereon so as to make a bona fide improved pasture.

8. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Code of Virginia §10.1-604 et seq), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.

9. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.

10. Disturbed land areas of less than 10,000 square feet in size.

11. Installation of fence and sign posts or telephone and electric poles and other kinds of poles.

12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan approving authority.

**71-6 Program Administrator; Plan Approving Authority; Inspectors and Plan Reviewers**

A. The County Administrator shall appoint a Program Administrator to oversee the County's Erosion and Sediment Control Program. The Program Administrator shall be certified within one year of appointment in accordance with the Code of Virginia's Erosion and Sediment Control Law. The program administrator may serve as inspector and plan reviewer upon obtaining certification as a combined administrator.

B. The Program Administrator shall serve as the County's Plan Approving Authority. In the event that the Program Administrator is not certified as a plan reviewer or combined administrator, he or she shall contract with an acceptable third party agency to conduct the plan review tasks. Acceptable third party agencies include, but are not limited to, the Robert E. Lee Soil & Water Conservation District.

C. The County Administrator shall also appoint an inspector and plan reviewer unless the Program Administrator is also certified as an inspector or combined administrator. Upon recommendation by the Program Administrator, the County Administrator may appoint additional inspectors and plan reviewers as needed. All inspectors and plan reviewers shall be certified within one year of appointment in accordance with the Code of Virginia's Erosion and Sediment Control Law.

**71-7 Submission and approval of plans for land-disturbing activities.**

A. Prior to any development and/or redevelopment exceeding 10.000 square feet of land disturbance including construction of single-family residences, no person shall engage in any land-disturbing activity until he or she has submitted one of the following documents:

1. Erosion and Sediment Control Plan containing, at a minimum:
   a. Project description. Describes the nature and purpose of the land-disturbing activity and the area (acres) to be disturbed.
   b. Existing site conditions. Describes existing topography, drainage, and vegetation.
   c. Adjacent areas. Describes neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance.

d. Off-site areas. Describes any off-site land-disturbing activities that will occur, including borrow sites, waste, or surplus areas.

e. Soils. Describes on-site soils and delineation of soil boundaries including soil name, mapping unit, erodability, permeability, depth, texture, and soil structure.

f. Critical areas. Describes areas on the site which have potentially serious erosion problems (e.g., steep slopes, channels, wet weather, underground water courses, etc.)

g. Erosion and sediment control measures. Describes methods to be used to control erosion and sedimentation. Controls should satisfy Minimum Standards listed in the *Virginia Erosion and Sediment Control Regulation* and the *Virginia Erosion and Sediment Control Handbook*, as adopted by the County pursuant to §71.5.

h. Permanent stabilization. Describes how the site will be stabilized at project completion including specifications.

i. Stormwater runoff considerations. Describes whether the site will increase peak runoff rates and, if so, will the increase cause flooding or channel degradation downstream. Also describes strategy to control stormwater runoff.

j. Calculations. Detailed calculations for the design of temporary sediment basins, permanent stormwater detention basins, diversions, channels, etc. Includes calculations for pre and post-development runoff.

k. Vicinity map including directional indicator.

l. Description of limits of clearing and grading.

m. Description of existing contours.

n. Description of final contours. Indicates changes to existing contours including final drainage patterns.

o. Description of existing vegetation. Describes existing tree lines, grassy areas, or unique vegetation.

p. Description of existing drainage patterns. Describes the dividing lines and the direction of flow for the different drainage areas. Includes the size (acres) of each drainage area.

q. Description of critical erosion areas [erosion impact areas].

r. Site development. Describes/illustrates all improvements such as buildings, parking lots, access roads, utility construction, etc.

s. Location of practices. Describes locations of control measures using standard symbols and abbreviations in Chapter 3 of the Virginia Erosion and Sediment Control Handbook.

t. Maintenance. Describes a schedule of regular inspections and repair of erosion and sediment control structures.

u. Certified Responsible Land Disturber. Contains the name of the person holding a certificate of competence as provided by the Board including expiration dates of such certifications.

2. For construction of a single-family dwelling only, an agreement in lieu of an erosion and sediment control plan may be submitted. The agreement in lieu of a plan is a contract between the plan approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan approving authority in lieu of a formal site plan.

B. The Program Administrator shall, within forty-five (45) days of the receipt of the plan, approve the plan if he determines that the plan meets the provisions this Chapter, and if the person named by the applicant as being responsible for carrying out the plan certifies that he will properly perform to the erosion and sediment control measures included in the plan and will conform to the provisions of this Chapter. In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by the regulations of the Board, who will be in charge of and responsible for carrying out the land-disturbing activity. For purposes of this article, individuals holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect license, and such other individuals as determined by the regulations of the Board, shall be considered competent to be in charge of and responsible for carrying out the land-disturbing activity without further training, certification, or fees. In determining whether any plan meets the required conservation standards, the plan approving authority may seek the advice of the district.

C. The plan approving authority shall act upon all plan submitted within forty-five (45) days from their receipt by either approving or disapproving the plan in writing and giving the specific reasons for its disapproval. When a plan submitted for approval under this article is found, upon review, to be inadequate, the plan approving authority shall specify such modifications, terms, and conditions as will permit approval of the plan and communicate those requirements to the applicant within 45 days. If no action is taken within forty-five (45) days by the Program Administrator, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

D. An approved plan may be changed by the Program Administrator when:

1. An inspection reveals that the plan is inadequate to satisfy applicable regulations or;
2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out and proposed amendments to the plan, consistent with the requirements of this Chapter, are agreed to by the Program Administrator and the person responsible for carrying out the plans.

E. In order to prevent further erosion, the Program Administrator may require approval of a conservation plan for any land identified as an Erosion Impact Area.

F. When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

**71-8 Land-Disturbance Permits; Fees; Issuance; Bonds**

A. No person shall engage in any land-disturbing activity until he has:

1. Acquired a land-disturbance permit,
2. Paid the appropriate fees and
3. Posted any required bond.

B. Fees. Plan Review and Inspection Fees will be assessed at the rate shown in Table 1 below. All fees shall be paid to the County of Appomattox at the time of filing erosion and sediment control plans or agreements in lieu of plans.

| **Land Disturbance (acres)** | **Fee** |
|---|---|
| Less than one acre | $50.00 |
| One to five (1-5) acres | $100.00 |
| Six to twenty (6-20) acres | $300.00 |
| Twenty-one (21) acres or greater | $600.00 |
| Agreement in lieu of E&S plan | $25.00 |

C. No land disturbance permit shall be issued until the applicant submits with his application and approved erosion and sediment control plan or agreement in lieu of a plan, and certifies that the plan or agreement will be followed.

D. Bonds. The Program Administrator, prior to issuing a permit, may require any applicant to submit a reasonable performance bond with surety, cash escrow, an irrevocable letter of credit, or any combination thereof, or such other legal arrangements acceptable to the Program Administrator to ensure that measures could be taken by the County at the applicant's expense should he or she fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required by the approved plan as a result of the land disturbing activity. If the County takes such conservation action upon failure by the permittee, the County may collect from the permittee for the difference should the amount of reasonable cost of such action exceed the amount of security held. Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity, the bond, cash escrow, irrevocable letter of credit or other legal arrangement or the unexpected or unobligated portion thereof shall be refunded to the applicant or terminated. These requirements are in addition to all other

provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for permits.

**71-9 Inspections, monitoring, and reports; action upon determination of violation.**

A. The Program Administrator and/or their agents shall provide for and/or conduct periodic on-site inspections of the land-disturbing activity as set forth in VESCR 4 VAC 40-30-60B and shall require that the Certified Responsible Land Disturber be in charge of implementing the plan to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier, or operator shall be given an opportunity to accompany the inspector during the inspection. Notice of the right of inspection shall be included in all land disturbance permits issued. The Program Administrator shall be responsible for developing and implementing a filing system for land disturbing projects. The individual holding a certificate of competence, as required under the State program, who will be in charge of and responsible for carrying out the land disturbing activity shall be required by the Program Administrator to periodically inspect the land disturbing activity.

B. If the Program Administrator determines that a violation exists or that there is a failure to comply with the plan, notice shall be served upon the permittee or Certified Responsible Land Disturber by registered or certified mail to the address specified in the permit application or in the plan certification. Notice may also be given by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time frame, the permit may be revoked and the permittee or Certified Responsible Land Disturber shall be deemed to be in violation of this Chapter and, upon conviction, shall be subject to the penalties provided by this Chapter.

C. Upon determination of substantial violation of this Chapter, the Program Administrator may, either in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watershed of the Commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in Section A above. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Appomattox County. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this Chapter.

**71-10 Violations and penalties; additional remedies.**

A. Any violations of any regulation or order of the Program Administrator, any provision of the program, any condition of a permit or any provision of this Chapter shall upon a finding of an appropriate general district court be subject to a civil penalty. The civil penalty for any one violation shall be $100, except that the civil penalty for commencement of land disturbing activities without an approved plan shall be $1,000. Each day during which the violation is found to exist shall constitute a separate offense. In no even shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $3,000, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed $10,000.

B. Nothing in this section shall be deemed to limit the authority of the County to apply to the County Circuit Court for injunctive relief to enjoin a violation or threatened violation of this Chapter, or to seek damages in a civil action.

C. Without limiting the remedies which may be obtained in this section , any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the locality wherein the land lies. Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

D. With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Program Administrator, or any condition of a permit or any provision of this ordinance, the Board, the Director, or plan-approving or permit-issuing authority may provide, in an order issued by the Board or plan-approving or permit-issuing authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection C of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection A or C.

**71-11 Appeals and judicial review.**

Final decision of Appomattox County under this Chapter shall be subject to review by the Circuit Court of Appomattox County, provided that an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.

# Chapter 76

# FIRE PREVENTION


§ 76-1. Title.

§ 76-2. Designation of enforcing agency and Fire Official.

§ 76-3. Enforcement.

§ 76-4. Appeals Board.

§ 76-5. Administrative procedures.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 2-6-1989. Amendments noted where applicable.]**

GENERAL REFERENCES

Fire Department — See Ch. 21.

Outdoor burning — See Ch. 54.

Fireworks — See Ch. 79.

## § 76-1. Title.

This chapter may be known and referred to as the "Appomattox County Fire Prevention Code."

## § 76-2. Designation of enforcing agency and Fire Official.

The Building and Housing Department is hereby designated to act as the enforcing agency for the enforcement of the Statewide Fire Prevention Code duly adopted by the Virginia Board of Housing and Community Development under authority of § 27-97, Code of Virginia, and the Building Inspector is designated the Fire Official for Appomattox County.

## § 76-3. Enforcement.

The enforcement procedures of the Statewide Fire Prevention Code shall be instituted by the Fire Official and administered in accordance with the provisions set forth in the Statewide Fire Prevention Code and Section 4.

## § 76-4. Appeals Board.

The Appomattox County Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the Statewide Fire Prevention Code.

## § 76-5. Administrative procedures.

The Fire Official shall establish such procedures or requirements as may be necessary for administration and enforcement of this chapter. The procedures are to be endorsed by the

County Administrator, Appomattox County, and approved by the Board of Supervisors, Appomattox County, Virginia.

# Chapter 79

# FIREWORKS


§ 79-1. Purpose.
§ 79-2. Application for permit.
§ 79-3. Approval of application; beginning of storage period.
§ 79-4. Disposition of application copies.
§ 79-5. Peace officer to supervise and be present at display.
§ 79-6. Number and age of persons authorized to conduct display.
§ 79-7. Manner and duration of storage.
§ 79-8. Distance of spectators from display or discharge.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1978 as Art. II of Ch. 9 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

**Peace and good order — See Ch. 113.**

## § 79-1. Purpose.[1]

The regulations contained in this chapter are hereby adopted to provide for the issuance of permits to fair associations, amusement parks and organizations and groups of individuals for the display of fireworks and to regulate the use and display of fireworks upon the granting of permits.

## § 79-2. Application for permit.

A. Written application for a permit to display fireworks shall be made in triplicate to the Board of Supervisors, stating the time, place, type of fireworks and circumstances under which they are proposed to be displayed.

B. Each such application shall name at least one (1) person who shall participate in displaying the fireworks who has had experience in displaying the type of fireworks proposed to be displayed.

## § 79-3. Approval of application; beginning of storage period.

Upon approval of an application for a permit to display fireworks, the Chairman of the Board of Supervisors shall write across such application the wording "Approved," and the application shall be dated and signed by him, which date shall constitute the beginning of a thirty-day

[1] **Editor's Note: For state law as to the regulation of fireworks, see Code of Virginia, § 59.1-142 et seq.**

storage permitted for such fireworks as provided in § 79-7, and all fireworks covered by such permit shall be displayed or discharged within such thirty-day period.

### § 79-4. Disposition of application copies.

One (1) copy of each application for a permit to display fireworks shall be kept on file by the County Clerk until after the date the fireworks are displayed, and two (2) copies, after being approved as aforesaid, which will then become a permit to display fireworks, shall be returned to the applicant, who shall keep one (1) copy on file for sixty (60) days after displaying such fireworks, and one (1) copy shall be in possession of the person in charge of displaying the fireworks at the time and place they are being displayed.

### § 79-5. Peace officer to supervise and be present at display.

Permits under this chapter shall provide that fireworks shall be displayed under the supervision of a peace officer of the county, who shall be present at the time such fireworks are displayed.

### § 79-6. Number and age of persons authorized to conduct display.

Not more than three (3) persons, in addition to the peace officer, shall participate in displaying fireworks at one (1) time, and all shall be persons over the age of eighteen (18) years.

### § 79-7. Manner and duration of storage.

Prior to the use of fireworks pursuant to a permit, they shall be stored in a metal container in a building of masonry, concrete or other firm construction, so that members of the public cannot have access to them, and such fireworks shall not be stored in the county for a period in excess of thirty (30) consecutive days.

### § 79-8. Distance of spectators from display or discharge.

No spectator or member of the public other than those who are participating in displaying or discharging the fireworks shall be closer than fifty (50) feet to the place where such fireworks are being displayed or discharged.

**§3.1-796.117. Dog killing other domestic animals other than livestock or poultry.**

The governing body of any county, city or town, which has not adopted an ordinance pursuant to §3.1-796.93:1, may adopt an ordinance to provide for the confinement of dogs which kill other dogs or domestic animals other than livestock or poultry. The ordinance shall provide that any animal control officer who has reason to believe that any dog is killing other dogs or domestic animals other than livestock or poultry shall apply to a magistrate of the county, city or town wherein the dog may be located for the issuance of a warrant requiring the owner or custodian, if known, to appear before a general district court at a specified time. The animal control officer or owner shall confine the dog until such time as evidence shall be heard and a verdict rendered. If it appears from the evidence that the dog has habitually killed other dogs or domestic animals, the court may order the dog killed in accordance with the provisions of §3.1-796.119.

**§3.1-796.118. Compensation for livestock and poultry killed by dogs.**

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed $400 per animal or $10 per fowl, provided that:

(i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;

(ii) the animal control officer or other officer shall have been notified of the incident within seventy-two hours of its discovery; and

(iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

**§3.1-796.119. Capturing, confining, and euthanizing companion animals by animal control officers; approval of drugs, etc., used.**

It shall be the duty of the animal control officer or any other officer to capture and confine any companion animal of unknown ownership found running at large on which the license fee has not been paid. Following the expiration of the holding period prescribed in §3.1-796.96, the animal control officer or other officer may deliver such companion animal to any person in his jurisdiction who will pay the required license fee on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of §3.1-796.96 shall have been complied with. For all companion animals not otherwise disposed of as provided for in this chapter, it shall be the duty of the animal control officer or any other officer to euthanize such companion animals. Any person, animal control officer, or other officer euthanizing a companion animal under this chapter shall cremate, bury, or sanitarily dispose of the same.

All drugs and drug administering equipment used by animal control officers or other officers to capture companion animals pursuant to this chapter shall have been approved by the State Veterinarian.

ORDINANCE FOR REPEAL OF
CHAPTER 87 HUNTING OF THE
APPOMATTOX COUNTY CODE.

Be it ordained that:

a) Chapter 87, HUNTING, of the Appomattox County Code is hereby repealed:

b) This Ordinance is adopted pursuant to Sections 15.2-1426 and 1427 of the Code of Virginia;

c) This ordinance shall be effective immediately.

AppOrd

Adopted: April 5, 2004

. Overstreet
Attorney at Law
Bedford, Virginia

# Chapter 87

# HUNTING

§ 87-1. Hunting with rifles restricted.
§ 87-2. Definitions.
§ 87-3. Muzzle-loading rifle restrictions.
§ 87-4. Violations and penalties.

**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 4-12-1985. Amendments noted where applicable.]**

GENERAL REFERENCES

**Peace and good order — See Ch. 113.**

## § 87-1. Hunting with rifles restricted. [Amended 7-12-1993]

It shall be unlawful for any person to hunt game in Appomattox County with a rifle larger or more powerful than .22 caliber rimfire except that during the prescribed open season for hunting of game animals, the hunting of game animals with muzzle-loading rifles is expressly permitted, provided that such use shall be subject to the same rules and regulations, whether state or local, which apply to the use of any other firearm, including Code of Virginia 1950, § 29.1-528, as amended. The hunting of groundhogs with a rifle of a caliber larger than .22 is permitted.

## § 87-2. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

> MUZZLE-LOADING RIFLE — Any rifle which cannot be loaded from the breech and which must be loaded from the muzzle end of the rifle and which uses only black powder or simulated black powder as a propellant. If modern smokeless powder is used as a propellant, such weapon shall not be deemed to be a "muzzle-loading rifle."

## § 87-3. Muzzle-loading rifle restrictions.

Muzzle-loading rifles used to hunt deer must be of .45 caliber or larger and be propelled by a minimum of fifty (50) grains of black powder or simulated black powder.

## § 87-4. Violations and penalties. [Added 7-12-1993]

A violation of this chapter shall constitute a Class 1 misdemeanor.

# Chapter 97

# LOITERING

§ 97-1. Purpose.
§ 97-2. Applicability.
§ 97-3. Definitions.
§ 97-4. Enforcement.
§ 97-5. Violations and penalties.

**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1989. Amendments noted where applicable.]**

GENERAL REFERENCES

Peace and good order — See Ch. 113. Solicitors — See Ch. 137.

## § 97-1. Purpose.

The purpose of this chapter is to curtail loitering within the County of Appomattox, Virginia.

## § 97-2. Applicability. [Amended 7-12-1993]

This chapter governs all persons and places within the County of Appomattox, Virginia, to include but not be limited to any public place, public building or public grounds, highway, street, park or other public place, and prohibits obstructing the access to any public building or public place or any part thereof.

## § 97-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITERING — Includes but is not necessarily limited to one (1) or more of the following acts:

A. Obstruction of the free unhampered passage of pedestrians or vehicles.

B. Obstructing, molesting or interfering with any person lawfully upon any highway, street, park or other public place.

C. Remaining idle in essentially one (1) location without being able to establish or having a legitimate business or purpose in remaining at such place or, by conduct, exhibiting the absence of a lawful purpose in so remaining at such place or to remain in a place as heretofore set forth in this chapter for no obvious reason.

D. Refusing to move on when so requested by an officer of the law, provided that the officer of the law has exercised his authority reasonably under the circumstances in order to preserve or promote public peace and order.

**§ 97-4. Enforcement.**

A. Private property. Enforcement will be at the request and discretion of businesses for private property as follows:

(1) Businesses wishing this chapter enforced when they are closed will post their parking lots with signs at each entrance/exit stating "NO LOITERING BETWEEN THE HOURS OF _____ AND _____." Such sign shall be a minimum of four hundred (400) square inches and affixed so as to be readily seen by passersby.

(2) Businesses wishing this chapter enforced when they are open shall call the Appomattox County Sheriff for enforcement when a problem is perceived on their property. Business owners will be required to obtain proper warrants and make appropriate court appearances.

B. Public property. Public property will be enforced during all hours public functions are not being carried on. This will not apply to anyone who is participating in any legal function at the public facility or on the public property.

**§ 97-5. Violations and penalties.**

Any person who violates the preceding section, and upon conviction thereof, shall be deemed guilty of a misdemeanor and punished by a fine of not less than ten dollars ($10.) nor more than one hundred dollars ($100.) for each conviction.

# Chapter 113

# PEACE AND GOOD ORDER


ARTICLE I
**Statutory Provisions**

**§ 113-1. Adoption of Title 18.2 by reference.**

ARTICLE II
**Noise**

**§ 113-2. Noise prohibited.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I); Art. II, 9-13-1993. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Amusements — See Ch. 41.**
**Loitering — See Ch. 97.**
**Solicitors — See Ch. 137.**

## ARTICLE I
## Statutory Provisions
## [Adopted 7-12-1993]

### § 113-1. Adoption of Title 18.2 by reference.

The provisions of Title 18.2 of the Code of Virginia 1950, as amended, are hereby adopted by reference to be applicable to Appomattox County.

## ARTICLE II
## Noise
## [Adopted 9-13-1993]

### § 113-2. Noise prohibited.

A. The creation and continuation of any loud, disturbing and unnecessary noise is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual or such noises as disturb the quiet and peace of any citizen.

B. The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) Pets: the keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.

(2) Use of vehicles: the use of any automobile, motorcycle or vehicle so out of repair, so loaded or used or repaired in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.

**§ 113-3. Violations and penalties.**

Any person convicted of a violation of this Article will be guilty of a Class III misdemeanor.

# Chapter 117

# SOLICITORS


§ 117-1. Definitions.
§ 117-2. Registration required; necessary information.
§ 117-3. Issuance of permit; term; display.
§ 117-4. Fee; disposition; license tax.
§ 117-5. Prohibited acts.
§ 117-6. Exceptions.
§ 117-7. Violations and penalties.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1978 as Ch. 15 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Loitering — See Ch. 97.
Peace and good order — See Ch. 113.
License tax for peddlers and itinerant vendors — See Ch. 147, Art. XIV.

## § 117-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SOLICITOR — A person who goes from door to door visiting multifamily or single-family dwellings for the following purposes:

A. To sell any goods, wares, merchandise or services or to accept subscriptions or orders therefor.

B. To accept or request donations for any charitable purpose.

## § 117-2. Registration required; necessary information.

All persons, before entering into or upon residential premises within the county for the purpose of soliciting, shall register with the Sheriff and furnish him with the following information:

A. The name, local and permanent addresses, age, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.

B. The nature or purpose for which solicitations will be made and the nature of the goods, wares, merchandise or services offered for sale.

C. The name and permanent address of the employer or organization represented.

D. A statement as to whether the applicant has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefor, provided that in no case shall information be required to be disclosed regarding any arrest or criminal charge that has been expunged pursuant to the Code of Virginia, § 19.2-392.3.

### § 117-3. Issuance of permit; term; display.

Upon furnishing the information required under § 117-2, the applicant shall be issued a permit, unless the information furnished in compliance with this chapter shows that the applicant has been convicted of a crime involving moral turpitude. A permit issued under this chapter shall be good for one (1) year from the date of issuance, unless revoked. Permits issued hereunder shall be void upon conviction for a violation of this chapter. Every solicitor shall carry his permit with him at all times while engaged in soliciting and shall display the same to any person who shall demand to see the same while he is so engaged.

### § 117-4. Fee; disposition; license tax. [Amended 7-12-1993]

A. A fee of one hundred dollars ($100.) to cover the costs of investigation of the applicant and processing of the application shall be paid to the Sheriff when the application is filed and shall not be returnable under any circumstances. All such fees received shall be paid by the Sheriff to the County Treasurer for deposit in the county general fund.

B. In addition to the above-mentioned fee, a license tax of five hundred dollars ($500.) shall be paid to the Treasurer.

### § 117-5. Prohibited acts.

No person shall:

A. Enter into or upon a residential premises in the county under false pretenses to solicit for any purpose or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services.

B. Remain in or on any residential premises after the owner or occupant has requested any such person to leave.

C. Enter upon any residential premises for soliciting when the owner or occupant has displayed a "No Soliciting" sign on such premises.

D. Engage in the practice of soliciting in the county without a permit as provided for in this chapter.

E. Knowingly give false information or fail to provide correct information in obtaining a permit.

### § 117-6. Exceptions.

The provisions of this chapter shall not apply to:

A. Any person who visits any residence or apartment at the request or invitation of the owner or occupant thereof.

B. Members or representatives of any civic or charitable organization who have an approved means of identification provided by the organization represented.

C. Newsboys soliciting subscriptions to any newspaper for home delivery within the county.

D. Route deliverymen who make deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.

E. Persons selling fresh farm products.

F. Persons licensed under the provisions of Title 38.1 of the Code of Virginia.

### § 117-7. Violations and penalties. [Added 7-12-1993]

A violation of this chapter shall constitute a Class 1 misdemeanor.

# Chapter 121

# PRECIOUS METALS AND JEWELS


§ 121-1. Definitions.
§ 121-2. License required.
§ 121-3. Applicability.
§ 121-4. Issuance of license; application; fee; Sheriff to receive copy.
§ 121-5. False statements on application.
§ 121-6. License nontransferable; display.
§ 121-7. Information required from sellers; records to be kept.
§ 121-8. Reports to Sheriff.
§ 121-9. Purchase prohibited from persons under eighteen years of age.
§ 121-10. Bond required.
§ 121-11. Private action on bond.
§ 121-12. Records open to inspection.
§ 121-13. Treatment of property; inspection of premises.
§ 121-14. Employee information required.
§ 121-15. Revocation of license.
§ 121-16. Violations and penalties.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 12-12-1980. Amendments noted where applicable.]**

GENERAL REFERENCES

Solicitors — See Ch. 137.

## § 121-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ITINERANT DEALER — A person, concern, business, corporation or partnership which has not conducted a business within the County of Appomattox for a period of at least six (6) months prior to the enactment of this chapter.

NONRESIDENT OF APPOMATTOX COUNTY — Any person, concern, business, corporation or partnership that does not have a permanent place of abode or domicile within the County of Appomattox.

RESIDENT OF APPOMATTOX COUNTY — Any person, concern, business, corporation or partnership that has continuously operated a business or maintained a place of abode or domicile in Appomattox County for a period of one (1) year next preceding the passing of the adoption of this chapter.

## § 121-2. License required.

No itinerant dealer or nonresident of Appomattox County shall engage in the business of purchasing gold, silver, platinum, gems, semiprecious stones or any secondhand or used gold, gold-plated, silver, silver-plated, platinum, platinum-plated or pewter flatware, tableware or

other similar household items, watches, jewelry or coins in the County of Appomattox, including the Towns of Appomattox or Pamplin City without obtaining a license as provided herein. Any person currently engaged in such activity shall be required to purchase a license within thirty (30) days of the enactment of this chapter.

### § 121-3. Applicability.

The license fee and requirements of a security bond set forth hereinafter shall not be applicable to any resident of Appomattox County, but all other provisions of this chapter shall apply to such person, concern, business, corporation or partnership.

### § 121-4. Issuance of license; application; fee; Sheriff to receive copy.

A. Licenses shall be issued by the Commissioner of the Revenue to any person able to produce satisfactory evidence of good character, which license shall designate the premises wherein the licensee shall conduct his business.

B. The applicant shall state his full name and address, his date of birth, his social security number, the full name and address of the proposed place of business and its hours of operation, a statement setting forth in detail the goods intended to be purchased and a statement as to whether such location is a permanent or temporary place of business. Applications made under this chapter shall be in writing and verified by oath of the applicant.

C. An annual fee of one thousand dollars ($1,000.) shall be charged for any license issued pursuant to this chapter.

D. A copy of each application shall be forwarded to the Sheriff by the Commissioner of the Revenue.

### § 121-5. False statements on application.

Any false statement made on the application form voids the license ab initio.

### § 121-6. License nontransferable; display.

The license issued hereunder shall be a personal privilege and shall not be transferable, either to another person or to another location, nor shall there be any abatement of the tax upon such license by reason of the fact that the licensee shall have exercised the privilege for any period of time less than that for which it was granted. The license shall at all times be kept publicly exposed by the licensee on his business premises.

### § 121-7. Information required from sellers; records to be kept.

The licensee shall be required to ascertain the name, complete address and age of each seller of items described herein by requiring the seller to produce identification including a Virginia operator's license or other identification card issued by a governmental agency, bearing a

picture of the seller and at least one (1) other corroborating means of identification. The licensee shall maintain permanent records containing a detailed description of all items purchased, the date and time of purchase, the price paid and the seller's identity, including his name, complete address, age and social security number. The licensee shall record the means of identification provided by the seller, including the driver's license number or other identifying numbers provided by the seller.

### § 121-8. Reports to Sheriff.

Every licensee shall be required to prepare a report at the end of each day listing a complete description of each item purchased, its purchase price and the name and address of the seller. Such report shall be filed with the Sheriff or his duly authorized agent no later than 12:00 noon of the following day.

### § 121-9. Purchase prohibited from persons under eighteen years of age.

No purchases shall be made from anyone under the age of eighteen (18) years.

### § 121-10. Bond required.

Every person so licensed shall at the time of licensing, before the same shall be operative, enter with either one (1) corporate or two (2) personal sufficient sureties into a joint and several recognizance to the County of Appomattox in the penal sum of five thousand dollars ($5,000.), conditioned upon due observance of the terms of this chapter.

### § 121-11. Private action on bond.

If any person shall be aggrieved by the misconduct of any licensee and shall recover against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon such judgment, maintain actions in his own name upon the bond.

### § 121-12. Records open to inspection.

All records maintained by the licensee shall at all reasonable times be open to inspection by the Sheriff, any other officer with police jurisdiction within the county or town thereof and the commonwealth's Attorney.

### § 121-13. Treatment of property; inspection of premises.

A. No property of any sort purchased by the licensee shall be disfigured or its identity destroyed or affected in any manner whatsoever, so long as it continues in possession of said licensee, nor shall such property be in any manner concealed or removed from the premises for a period of seventy-two (72) hours after the same shall have been purchased by the licensee.

B. The licensee shall permit the Sheriff, any other officer with police jurisdiction within the county or town thereof and the commonwealth's Attorney, at any time, to inspect the premises of the licensee and any goods located on said premises and to search for and take into possession any article known to be missing or known or believed to have been stolen without the formality of a writ of search warrant or any other process.

### § 121-14. Employee information required.

The licensee shall provide the Sheriff with the name, address, date of birth and social security number of every employee or agent working on the licensee's premises. Such information shall be provided to the Sheriff within twenty-four (24) hours from the commencement of such person's employment.

### § 121-15. Revocation of license.

For good cause shown, the Board of Supervisors may revoke the license of any person licensed under this chapter. Such action shall be taken only after notice has been given to the licensee and at a regular scheduled meeting of the Board of Supervisors. In the event of such revocation, no portion of the license fee shall be refunded.

### § 121-16. Violations and penalties.

Violation of any of the terms of this chapter shall be a Class 1 misdemeanor.

# Chapter 129

# RESTAURANTS

ARTICLE I
**Inspections**

**§ 129-1. Purpose.**
**§ 129-2. Applicability.**
**§ 129-3. Definitions.**
**§ 129-4. Enforcement.**
**§ 129-5. Compliance with State Board of Health required; exemptions.**
**§ 129-6. Adoption of state regulations by reference.**
**§ 129-7. Violations and penalties.**

**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 2-6-1989. Amendments noted where applicable.]**

## ARTICLE I
## Inspections
## [Adopted 2-6-1989]

### § 129-1. Purpose.

The purpose of this Article is to require uniform inspections of food preparation facilities.

### § 129-2. Applicability.

This Article governs all persons and places within the County of Appomattox, Virginia, that prepare food for resale.

### § 129-3. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

RESTAURANT — Any of the following:

A. Any place where food is prepared for service to the public on or off the premises or any place where food is served. Examples of such places include but are not limited to lunchrooms, short-order places, cafeterias, coffee shops, cafes, taverns and delicatessens, regardless of whether food is prepared for consumption on or off the premises, dining accommodations of public or private clubs, kitchen facilities of nursing homes and dining accommodations of public and private schools. This definition includes the delicatessen portions of grocery stores selling exclusively for off-premises consumption. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.

B. Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, pushcart operations, hot dog stands and other mobile points of service. Such mobile points of service are also deemed to be "restaurants" unless the point of service and of consumption is in a private residence.

### § 129-4. Enforcement. [Amended 6-5-1995]

This Article shall be enforced by the Virginia Department of Agriculture and Consumer Services.

### § 129-5. Compliance with State Board of Health required; exemptions.

A. It shall be unlawful for any person to operate any restaurant within the County of Appomattox without complying with the regulations and rules formulated by the State Board of Health for the following subjects:

(1) The safe and sanitary maintenance, storage, operation and use of equipment.

(2) The sanitary maintenance and use of a restaurant's physical plant.

(3) The safe preparation, handling, protection and preservation of food, including necessary refrigeration or heating methods.

(4) Procedures for vector and pest control.

(5) Requirements for toilet and cleansing facilities for employees and customers.

(6) Requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code.

(7) Requirements for an approved water supply and sewage disposal system. Persons conducting active business on the date of enactment of this Article do not need to upgrade their water/sewage disposal system. They will need to have current water samples taken and approved. A business opened after the effective date of this Article must comply with appropriate regulations for an approved water supply and sewage disposal system.

B. Temporary food stands serving county-sponsored functions, such as Railroad Days, etc., must comply with food-handling/preservation requirements, but are exempt from requirements for rest rooms, running water, etc.

### § 129-6. Adoption of state regulations by reference. [Amended 7-12-1993]

Pursuant to the provisions of §§ 46.2-1313 and 35.1-9, Code of Virginia, 1950, as amended, all of the provisions and requirements of §§ 35.1-3, 35.1-4, 35.1-5, 35.1-6, 35.1-7, 35.1-10,

35.1-11, 35.1-12, 35.1-14, 35.1-15, 35.1-17, 35.1-18, 35.1-20, 35.1-21, 35.1-22, 35.1-23 and 35.1-24, Code of Virginia, 1950, as amended, and in effect on March 1, 1989, are hereby

(Cont'd on page 12903)

# Chapter 133
# ROADS

**§ 133-1. Intent.**

**§ 133-2. Procedure.**

**§ 133-3. Criteria.**

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## ARTICLE I
## Road Naming [Adopted, 1-22-2001]
## [Amended 02-22-05]

### § 133-1. Intent.

The intent of this ordinance is to establish formal procedures and criteria for naming roads as part of the county's Enhanced 9-1-1 (*"E-911"*) Program. The ordinance seeks to strike a proper balance between expeditious selection of road names and providing the general public with ample opportunity to speak on the choice of names.

### § 133-2. Procedure.

Upon adoption of this ordinance, the governing body shall follow the procedures outlined in §133-2(A), *Initial Road Naming Process*. Upon completion of the aforementioned process, the governing body shall thereafter follow the procedures outlined in §133-2(B), *Ongoing Road Naming Process*.

(A) Initial Road Naming Process

(1) Upon adoption of this ordinance, a moratorium shall be placed on all requests to name or re-name roads in Appomattox County with the exception of requests introduced in accordance with this §133-2(A). This moratorium is necessary to expedite the naming of roads in conjunction with the implementation of the county's E-911 Program.

(2) The governing bodies of the County, the Town of Appomattox, and the Town of Pamplin, working in conjunction with the Public Safety Committee, shall appoint a selection committee for the recommendation of road names. The committee shall be composed of one member from each of the following voter districts or governmental jurisdictions:

a. Wreck Island District
b. Piney Mountain District
c. Appomattox River District
d. Courthouse District
e. Falling River District
f. Town of Appomattox
g. Town of Pamplin

(3) The selection committee shall recommend road names according to the criteria outlined in §133-3. Each member of the selection committee may form their own subcommittee of not more than three (3) residents from their voter district or governmental jurisdiction to assist in the research and selection of road names. The selection committee shall first select names for public roads, then select names for private rights-of-way that comply with §133-3 of this ordinance.

(4) Names selected by the committee shall be forwarded to the respective governing body for public hearing according to a schedule to be approved by the governing bodies. A list of proposed names shall be posted in the local newspaper for two weeks prior to public hearing, and residents shall receive notice by mail of the public hearing affecting their road or street name. Written comments on proposed road names may be received by the Office of Building and Housing for report during the public hearing.

(5) Within one month of the public hearing, the respective governing body shall vote to approve or disapprove the proposed names. If a road name is disapproved, the selection committee shall recommend an alternate name to present at a future public hearing designated in the schedule approved by the governing bodies. Within one month of this second public hearing, the governing body shall select a name from those proposed by the selection committee.

(6) When initial names for all roads and selected rights-of-way are approved by the respective governing bodies, the moratorium specified in §133-2(A)(1) shall be lifted and future proposed road names shall follow the procedure outlined in §133-2(B). All approved names shall be added to the Appomattox County Road Name Index to be maintained by the E-911 Coordinator. **[Amended 02-22-05]**

(B) Ongoing Road Naming Process

(1) Administration. E-911 Coordinator is hereby designated as the agent of the Board of Supervisors and is responsible for the administration, implementation and enforcement of this §133-2(B). The agent may delegate certain responsibilities assigned to him to other persons and/or agents with the prior consent of the governing body. The E-911 Coordinator may name any public or private road (regardless of number of residences on the road) when there will clearly be three residences in the near future. **[Amended 02-22-05]**

(2) No road within Appomattox County shall be assigned a name on a subdivision plat or otherwise until such name is registered with the agent and added to the Appomattox County Road Name Index. The agent shall have the authority to refuse registration of any name already in use, any name deemed confusing for purposes of emergency response, or any name that does not follow the naming criteria outlined in §133-3.

(3) No street or road name currently shown on a subdivision plat filed with the county or otherwise shall be implemented by a subdivision owner until such name has been registered with the agent and added to the Appomattox County Road Name Index; provided, however, that this section shall not apply to any street or road presently constructed on which street signs have been placed prior to the effective date of this

chapter. The agent shall have the authority to refuse registration of any name already in use, any name deemed confusing for purposes of emergency response, or any name that does not follow the naming criteria outlined in §133-3.

(4) The owner of any subdivision or other development shall erect or cause to be erected, at his expense, street signs in conformance with adopted regulations on signage at any and all intersections within such subdivisions or development upon the construction of any street on or after the effective date of this chapter. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with adopted regulations on signage.

(5) Changing street names. The Board of Supervisors will consider name changes as proposed by petition of a majority of the property owners on a named road. The petitioners of any road name change shall also agree to accept responsibility for one hundred percent (100%) of the cost resulting from the Board's approval of their petition. The full payment of this cost including but not limited to GIS mapping, signage shall be received by the county prior to the official changing and use of the new road name. **[Amended 02-22-05]**

**§ 133-3. Criteria.**

(A) The proposed name shall be a unique name that is clearly phonetically and alphanumerically distinguishable from any other name in use. Use of directional prefixes (North, Southeast, etc.) or differing suffixes (street, road, avenue, etc.) added to duplicate street names shall not suffice to create a unique road name.

(B) Existing street names

(1) Efforts will be taken to preserve names already in place in the Towns of Appomattox and Pamplin, as well as streets named by developers or neighborhood committees in the County.

(2) Where a name for a road in the County conflicts with a pre-existing name in the Towns of Appomattox or Pamplin, the Town street name shall prevail.

(3) Where feasible, roads crossing into Appomattox County from adjacent jurisdictions should retain the name given by the adjacent jurisdiction.

(C) All roads within the state maintenance system shall receive names. The E-911 Coordinator may name any public or private road (regardless of number of residences on the road) when there will clearly be three residences in the near future. **[Amended 02-22-05]**

(D) A street with one name shall serve all multifamily dwelling complexes, including apartment complexes, townhouses and condominium developments, manufactured home (single and double-wide) parks, and other similar uses unless the *agent* finds that, in the interest of public safety, the naming of more than one street in or near the development is warranted. **[Amended 02-22-05]**

(E) Guidelines. The following guidelines shall be used in naming or renaming roads:

(1) Road names selected shall conform with the Virginia Department of Transportation's (VDOT) signage guidelines and regulations.

(2) Use names with historic or geographic value which are descriptive of the road.

(3) Encourage the use of one and two syllable names.

(4) Do not use uncommon name spellings or words that may have multiple common spellings.

(5) Assign only one name along a continuous roadway. Where a permanent break in the road exists, a new name may be assigned to each segment. A permanent break may consist of but is not limited to a river, stream, and/or intersecting road where continuous access is not available between the two (2) segments without crossing another road.

(6) Avoid the use of personal or family names, except in the case of local historical figures.

(7) Avoid the use of letters (i.e., Q Street), numbers (1st), numeric names, and compass designators (Fifty-Second and North).

## ARTICLE II
## Road name Signage
## [Adopted 02-22-05]

**§ 133-4. Intent**. The intent of this Article is to establish uniform design criteria for the installation of road name signage in Appomattox County in conjunction with the County's Enhanced 9-1-1 ("E-911") Program. This will ensure that all signage clearly and efficiently identifies the location of public and qualifying private roads throughout the County, and that signage will be installed in locations that do not adversely impact traffic sight distances or pose other safety hazards.

**§ 133-5. Criteria**. All signage for public roads and qualifying private roads shall be installed according to the following guidelines:

A. All sign hardware shall meet minimum design criteria as utilized by the Virginia Department of Transportation (VDOT). Sign hardware shall include, but not be limited to, sign blades, posts, and mounting brackets.

B. Installation and signage location shall be in accordance with VDOT guidelines.

C. The color of all sign blades for public and private roads shall consist of white reflective lettering on a blue background. All private roads requiring signage shall also include the designation "PVT" in the upper right corner of the blade immediately above the road name suffix.

D. Sign structures (post) and mounting brackets shall be a minimum of 2 3/8 inch outside diameter round galvanized steel with a minimum 0.065 inch wall thickness. Mounting brackets, post caps, and related hardware shall be adaptable to the post and of the same material as the post.

E. All sign structures (post), post caps, sign brackets and related hardware must conform to the Road and Bridge Specifications 2002 section 233.

**§ 133-6. Procedure.**

A. Developers and / or subdivision owners that cause new public or qualifying private roads to be constructed shall erect road name signage in accordance with this Article, and shall bear all costs in accordance with Article I, § 133-2 (B)(4) of this ordinance.

B. The County shall be responsible for installation of road name signage for all existing private roads which qualify for a road name upon adoption of this ordinance.

## ARTICLE III
## Structure Numbering
## [Adopted 02-22-05]

**§ 133-7. Intent.** The intent of this Article is to establish regulations for the posting of structure numbers for all addressable structures in Appomattox County in conjunction with the County's Enhanced 9-1-1 ("E-911") Program. This will ensure that all addressable structures can be clearly and efficiently identified by fire, rescue, and law enforcement agencies in response to emergencies.

**§ 133-8. Criteria.**

A. Assignment, Display and Placement of Official Structure Numbers

1. Display of Structure Number. Each resident shall be required to display and maintain a structure number that identifies the primary structure located on the property. Residents and Business owners shall be responsible for obtaining, and maintaining an address marker placard that is consistent with the guidelines found within this ordinance.

2. Construction of Structure Number Marker: Address Marker Placards for County structures shall adhere to as closely as possible the following minimum specifications:

   a. Carsonite # CIB-380 54" blue flexible address markers (or equivalent)

   b. 3" white HI intensity reflective numbers

   c. Address numbers shall be of a contrasting color from the background

   d. Address markers to be numbered on both sides

   e. Numbers shall be placed vertically on installed placard.

3. Placement of Address Marker Placards. Address Marker Placards shall be installed using the following guidelines:

   a. Address markers shall be installed near the principal entrance to the property, and in a manner as to be legible from both directions along the private or state maintained road on which the property is located.

   b. Address markers shall be installed outside of the Virginia Department of Transportation's maintained right-of-way, but ideally no more than three feet inside the property line.

c. Sign blades shall be installed perpendicular to the road centerline.

d. When more than one structure requires the placement of an address marker at a shared access point, the signs shall be installed with the lowest number closest to the right-of-way line and subsequent numbers placed in a co-linear fashion.

4. Removal of Other Numbers. It shall be the duty of the property owner or property manager, upon affixing the address number, to remove any different number which might be mistaken for or confused with, the number assigned to that property by the E-911 Coordinator.

**§ 133-9. Procedure.**

A. Assignment of New Numbers. Structure numbers shall be assigned to each residence upon submission of a building permit application. No certificate of occupancy shall be issued for any principle building until the E-911 Coordinator has supplied the official structure numbers to the Building Inspections Department. Temporary structure numbers, including road name, shall be displayed by the building permit applicant on the site during the construction phases to facilitate inspections and delivery of emergency services prior to occupancy.

B. No Certificate of Occupancy shall be issued until the structure number has been posted according to the provisions of this Article.

**§133-10. Enforcement.**

A. Modifications, Applicability and Enforcement

1. Modification and Adjustments. In applying the guidelines specified herein, the E-911 Coordinator shall have the authority to make minor adjustments and modifications to ensure a logical and efficient road address system.

2. Applicability. The provisions of this Ordinance shall be applicable in all areas of Appomattox County.

3. Violations. Whenever the E-911 Coordinator has reason to believe there has been or there exists a violation of this Ordinance, the County shall give written notice of such violation to the person or organization failing to comply, and order said person or organization to take corrective measures within thirty (30) calendar days from the date that notification is sent by first class mail to the address on file at the Commissioner of Revenue's office. If such person fails to comply with the duly issued order, the County shall initiate necessary actions to terminate the violation through criminal or civil measures. Any violation of this ordinance shall constitute a Class 4 misdemeanor. Subsequent to the thirty (30) day period

following notification of violation, each day of the violation shall constitute a separate violation.
Any person, firm or corporation that damages or destroys a road sign, sign structures, structure number marker will meet the total burden of all costs associated with the replacement.

4. Effective Date. This Ordinance shall be effective immediately upon its adoption by the Board of Supervisors.

THESE WILL BE ADDED AS NECESSARY BASED ON THE NAMING AND NUMBERING PROCESS

**§ 133-11. Definitions.**

A. E-911 COORDINATOR - shall mean the Board of Supervisors of Appomattox County, or its designee.

B. POINT OF ORGIN - shall mean the point at which a particular road begins its addressing sequence.

C. PRIMARY STRUCTURE shall include, but not be limited to: residential building, manufactured home, commercial building, industrial building, office building, public building, church/place of worship, pay telephone, pump station, communication tower, utility tower, substation, or other structure that may require address identification to facilitate the timely response to an emergency situation.

D. STRUCTURE NUMBER - shall mean the number assigned to consecutive intervals along a road pursuant to the Number Assignment Formula contained herein. The term House Number and Building Number shall be considered synonymous with Structure Number for the purposes of this ordinance. Numbering Interval shall mean the distance along a roadway covered by this ordinance of 5.28 feet, there being 1000 intervals per mile (5,280 feet).

# CHAPTER 133
# ROADS

## ARTICLE I
## ROAD NAMING
*(as adopted, January 22, 2001)*

**§133-1. Intent.**
The intent of this ordinance is to establish formal procedures and criteria for naming roads as part of the county's Enhanced 9-1-1 (*"E-911"*) Program. The ordinance seeks to strike a proper balance between expeditious selection of road names and providing the general public with ample opportunity to speak on the choice of names.

**§133-2. Procedure.**
Upon adoption of this ordinance, the governing body shall follow the procedures outlined in §133-2(A), *Initial Road Naming Process*. Upon completion of the aforementioned process, the governing body shall thereafter follow the procedures outlined in §133-2(B), *Ongoing Road Naming Process*.

(A) Initial Road Naming Process

(1) Upon adoption of this ordinance, a moratorium shall be placed on all requests to name or re-name roads in Appomattox County with the exception of requests introduced in accordance with this §133-2(A). This moratorium is necessary to expedite the naming of roads in conjunction with the implementation of the county's E-911 Program.

(2) The governing bodies of the County, the Town of Appomattox, and the Town of Pamplin, working in conjunction with the Public Safety Committee, shall appoint a selection committee for the recommendation of road names. The committee shall be composed of one member from each of the following voter districts or governmental jurisdictions:

a. Wreck Island District
b. Piney Mountain District
c. Appomattox River District
d. Courthouse District
e. Falling River District
f. Town of Appomattox
g. Town of Pamplin

(3) The selection committee shall recommend road names according to the criteria outlined in §133-3. Each member of the selection committee may form their own subcommittee of not more than three (3) residents from their voter district or governmental jurisdiction to assist in the research and selection of road names. The selection committee shall first select names for public roads, then select names for private rights-of-way that comply with §133-3 of this ordinance.

(4) Names selected by the committee shall be forwarded to the respective governing body for public hearing according to a schedule to be approved by the governing bodies. A list of proposed names shall be posted in the local newspaper for two weeks prior to public hearing, and residents shall receive notice by mail of the public hearing affecting their road or street name. Written comments on proposed road names may be received by the Office of Building and Housing for report during the public hearing.

(5) Within one month of the public hearing, the respective governing body shall vote to approve or disapprove the proposed names. If a road name is disapproved, the selection committee shall recommend an alternate name to present at a future public hearing designated in the schedule approved by the governing bodies. Within one month of this second public hearing, the governing body shall select a name from those proposed by the selection committee.

(6) When initial names for all roads and selected rights-of-way are approved by the respective governing bodies, the moratorium specified in §133-2(A)(1) shall be lifted and future proposed road names shall follow the procedure outlined in §133-2(B). All approved names shall be added to the Appomattox County Road Name Index to be maintained by the County Administrator.

(B) Ongoing Road Naming Process

(1) Administration. The County Administrator is hereby designated as the agent of the Board of Supervisors and is responsible for the administration, implementation and enforcement of this §133-2(B). The agent may delegate certain responsibilities assigned to him to other persons and/or agents with the prior consent of the governing body. The agent is hereby authorized to assign names to any public or private roads in Appomattox County which provide access to three (3) or more occupied buildings.

(2) No road within Appomattox County shall be assigned a name on a subdivision plat or otherwise until such name is registered with the agent and added to the Appomattox County Road Name Index. The agent shall have the authority to refuse registration of any name already in use, any name deemed confusing for

purposes of emergency response, or any name that does not follow the naming criteria outlined in §133-3.

(3) No street or road name currently shown on a subdivision plat filed with the county or otherwise shall be implemented by a subdivision owner until such name has been registered with the agent and added to the Appomattox County Road Name Index; provided, however, that this section shall not apply to any street or road presently constructed on which street signs have been placed prior to the effective date of this chapter. The agent shall have the authority to refuse registration of any name already in use, any name deemed confusing for purposes of emergency response, or any name that does not follow the naming criteria outlined in §133-3.

(4) The owner of any subdivision or other development shall erect or cause to be erected, at his expense, street signs in conformance with adopted regulations on signage at any and all intersections within such subdivisions or development upon the construction of any street on or after the effective date of this chapter. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with adopted regulations on signage.

(5) Changing street names. The Board of Supervisors will consider name changes as proposed by petition of a majority of the property owners on a named road. The petitioners of any road name change shall also agree to accept responsibility for one hundred percent (100%) of the cost resulting from the Board's approval of their petition. The full payment of this cost shall be received by the county prior to the official changing and use of the new road name.

**§133-3. Criteria**

(A) The proposed name shall be a unique name that is clearly phonetically and alphanumerically distinguishable from any other name in use. Use of directional prefixes (North, Southeast, etc.) or differing suffixes (street, road, avenue, etc.) added to duplicate street names shall not suffice to create a unique road name.

(B) Existing street names

(1) Efforts will be taken to preserve names already in place in the Towns of Appomattox and Pamplin, as well as streets named by developers or neighborhood committees in the County.

(2) Where a name for a road in the County conflicts with a pre-existing name in the Towns of Appomattox or Pamplin, the Town street name shall prevail.

(3) Where feasible, roads crossing into Appomattox County from adjacent jurisdictions should retain the name given by the adjacent jurisdiction.

(C) All roads within the state maintenance system shall receive names. All privately owned rights-of-way with three (3) or more occupied dwellings shall be named according to provisions outlined in Section §133-2(A).

(D) A street with one name shall serve all multifamily dwelling complexes, including apartment complexes, townhouses and condominium developments, manufactured home (single and double-wide) parks, and other similar uses unless the administrator finds that, in the interest of public safety, the naming of more than one street in or near the development is warranted.

(E) Guidelines. The following guidelines shall be used in naming or renaming roads:

(1) Road names selected shall conform with the Virginia Department of Transportation's (VDOT) signage guidelines and regulations.

(2) Use names with historic or geographic value which are descriptive of the road.

(3) Encourage the use of one and two syllable names.

(4) Do not use uncommon name spellings or words that may have multiple common spellings.

(5) Assign only one name along a continuous roadway. Where a permanent break in the road exists, a new name may be assigned to each segment. A permanent break may consist of but is not limited to a river, stream, and/or intersecting road where continuous access is not available between the two (2) segments without crossing another road.

(6) Avoid the use of personal or family names, except in the case of local historical figures.

(7) Avoid the use of letters (i.e., Q Street), numbers (1st), numeric names, and compass designators (Fifty-Second and North).

# Chapter 137

# SOLICITORS


§ 137-1. Definitions.
§ 137-2. Registration required; necessary information.
§ 137-3. Issuance of permit; term; display.
§ 137-4. Fee; disposition; license tax.
§ 137-5. Prohibited acts.
§ 137-6. Exceptions.
§ 137-7. Violations and penalties.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 3-10-1978 as Ch. 15 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Loitering — See Ch. 97.
Peace and good order — See Ch. 113.
License tax for peddlers and itinerant vendors — See Ch. 147, Art. XIV.

## § 137-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SOLICITOR — A person who goes from door to door visiting multifamily or single-family dwellings for the following purposes:

A. To sell any goods, wares, merchandise or services or to accept subscriptions or orders therefor.

B. To accept or request donations for any charitable purpose.

## § 137-2. Registration required; necessary information.

All persons, before entering into or upon residential premises within the county for the purpose of soliciting, shall register with the Sheriff and furnish him with the following information:

A. The name, local and permanent addresses, age, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.

B. The nature or purpose for which solicitations will be made and the nature of the goods, wares, merchandise or services offered for sale.

C. The name and permanent address of the employer or organization represented.

D. A statement as to whether the applicant has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefor, provided that in no case shall information be required to be disclosed regarding any arrest or criminal charge that has been expunged pursuant to the Code of Virginia, § 19.2-392.3.

### § 137-3. Issuance of permit; term; display.

Upon furnishing the information required under § 137-2, the applicant shall be issued a permit, unless the information furnished in compliance with this chapter shows that the applicant has been convicted of a crime involving moral turpitude. A permit issued under this chapter shall be good for one (1) year from the date of issuance, unless revoked. Permits issued hereunder shall be void upon conviction for a violation of this chapter. Every solicitor shall carry his permit with him at all times while engaged in soliciting and shall display the same to any person who shall demand to see the same while he is so engaged.

### § 137-4. Fee; disposition; license tax. [Amended 7-12-1993]

A. A fee of one hundred dollars ($100.) to cover the costs of investigation of the applicant and processing of the application shall be paid to the Sheriff when the application is filed and shall not be returnable under any circumstances. All such fees received shall be paid by the Sheriff to the County Treasurer for deposit in the county general fund.

B. In addition to the above-mentioned fee, a license tax of five hundred dollars ($500.) shall be paid to the Treasurer.

### § 137-5. Prohibited acts.

No person shall:

A. Enter into or upon a residential premises in the county under false pretenses to solicit for any purpose or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services.

B. Remain in or on any residential premises after the owner or occupant has requested any such person to leave.

C. Enter upon any residential premises for soliciting when the owner or occupant has displayed a "No Soliciting" sign on such premises.

D. Engage in the practice of soliciting in the county without a permit as provided for in this chapter.

E. Knowingly give false information or fail to provide correct information in obtaining a permit.

### § 137-6. Exceptions.

The provisions of this chapter shall not apply to:

A. Any person who visits any residence or apartment at the request or invitation of the owner or occupant thereof.

B. Members or representatives of any civic or charitable organization who have an approved means of identification provided by the organization represented.

C. Newsboys soliciting subscriptions to any newspaper for home delivery within the county.

D. Route deliverymen who make deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.

E. Persons selling fresh farm products.

F. Persons licensed under the provisions of Title 38.2 of the Code of Virginia. **[Amended 7-12-1993]**

### § 137-7. Violations and penalties. [Added 7-12-1993]

A violation of this chapter shall constitute a Class 1 misdemeanor.

139-7 Fee Schedule.

The fee schedule shall be as follows:

A. When brought to the landfill:
(1)All tires will be billed at one dollar ($1.)
(a) All tires will be billed at one dollar ($1)
(b) Exception. Farm tractor tires and heavy-equipment tires will be billed at three dollars ($3).

(2) Commercial - hauler type vehicle.
(a) Loose Load:
(1) Fifty dollars ($50.) per ton.

(b) Compacted load:
(1) Fifty dollars ($50) per ton.

B. Business/Industry (if not picked up by a commercial hauler or otherwise disposed of at landfill):

(1) Users shall be charged a monthly rate of five dollars ($5) per cubic yard of disposal capacity.

C. All dead animals (large): twenty-five dollars ($25) each.
D. Local governments are exempt from these fees.
E. Commercial haulers must register with the landfill office and pay an annual license fee of two hundred fifty dollars ($250). Commercial haulers will be charged for waste generated from both residential and business customers, and rates will be the same as in Subsection A above.

Only waste generated in Appomattox County will be accepted at the Appomattox County Landfill.

County residents shall be allowed to deposit up to two (2) tons per month of solid waste generated by their own residence without charge. (This does not include tires) Over two (2) tons per month will be charged the same as in the fee schedule above.

Fee collection details will be as prescribed by the landfill administration office.

This change is to be effective August 1, 2000 and new rates will be charged at that time. Existing commercial permits must be renewed at the new rate.

The Town of Pamplin City's commercial carrier is exempt from these requirements, provided that this carrier only picks up solid waste within the corporate limits of Pamplin City.

There shall be no break in price quantity of tires brought to the landfill for disposal.

| | Current charge | By Volume | By size of container |
|---|---|---|---|
| A. J Skateworld | 50.00 | 100.00 | |
| 4-h Center | 45.00 per pull | (we pull this) | |
| Appomattox Laundry | 200.00 | 250.00 | |
| Appomattox Glass | 150.00 | 150.00 | |
| Appomattox True Value | 150.00 | 100.00 | |
| Cardinal Chevrolet | 75.00 | 150.00 | |
| C. H. White | 50.00 | 100.00 | |
| CVS Pharacy | 150.00 | 200.00 | |
| Dairy Queen | 100.00 | 200.00 | |
| Fred Jones Well Co. | 50.00 | 150.00 | |
| Granny Bee's | 25.00 | 112.50 | 150.00 |
| Jamerson Brothers Truck. | 50.00 | 10.00 | |
| Natour's Grocery | 100.00 | 200.00 | |
| Quik-e-foods | 275.00 | 550.00 | |
| Shoppes of Appomattox | 200.00 | 700.00 | |
| Subway | 150.00 | 137.50 | 150.00 |
| Wilbun's Supermarket | 240.00 | 400.00 | 400.00 |

| Not currently being charged | |
|---|---|
| Homeland Cafeteria | 150.00 |
| Liberty Baptist Church | 100.00 |
| Dogwood Apartments | 600.00 |
| D. S. Nash | 100.00 |
| Appomattox Family Practice | 200.00 |

# Chapter 139

# SOLID WASTE


ARTICLE I
Collection and Disposal

§ 139-1. Definitions.
§ 139-2. Preparation of garbage for collection.
§ 139-3. Use of sanitary landfill containers.
§ 139-4. Collection practices.
§ 139-5. Unlawful disposal, operation and transportation activities; place of licensing.
§ 139-6. Violations and penalties.
§ 139-7. Fee schedule.

ARTICLE II
Solid Waste Containers and Littering

§ 139-8. Unlawful activities.
§ 139-9. Violations and penalties.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, as Ch. 10 of the 1978 Code; Art. II, at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

GENERAL REFERENCES

**Outdoor burning — See Ch. 54.**

## ARTICLE I
## Collection and Disposal[1]
## [Adopted as Ch. 10 of the 1978 Code]

### § 139-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DISPOSAL — The storage, collection, disposal or handling of solid waste.

GARBAGE — All animal, vegetable and mineral wastes resulting from the handling, preparation, cooking or consumption of foods and beverage and including, but not limited to, cans, bottles, food containers, paper containers and cardboard containers.

INDUSTRIAL WASTE — All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses and steel mills.

[1] **Editor's Note: For state law as to the authority of the county to provide for trash removal, see Code of Virginia, § 15.1-11. As to the authority of the county to regulate disposal services, see Code of Virginia, § 15.1-28.1.**

RESIDENTS — Those persons residing in the county outside the incorporated limits of any town or city.

RUBBISH — All other solid wastes not included in the term "garbage," and includes but is not limited to large metal objects, wood and brush and building demolition or other nonputrescible solid wastes.

SANITARY LANDFILL — That site or those sites operated by and established by the county and permitted by the State Department of Health for the disposal of solid waste.

SOLID WASTE — All refuse, except body wastes, and shall include garbage and rubbish.

### § 139-2. Preparation of garbage for collection.

All garbage shall be drained free of liquids before being placed in the storage containers.

### § 139-3. Use of sanitary landfill containers.

A. Sanitary landfill containers shall be provided by the Board of Supervisors for the disposal of household garbage only and for the express use of county residents.

B. Commercial outlets must transport their solid waste directly to the landfill site for disposal.

C. It shall be unlawful to place dead animals, manure or rubbish in any landfill container. These items can be brought directly to the landfill site.

D. It shall be unlawful to litter container sites or to place any solid waste outside the container.

E. It shall be unlawful to salvage in or around any container site or dumpster.

F. Violation of this section shall be a Class 3 misdemeanor.

### § 139-4. Collection practices.

A. Place of collection. Landfill containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector.

B. Frequency of collection. County landfill containers shall be,collected twice weekly by the county.

C. Licensing of collectors.

(1) No commercial refuse collector shall collect, remove, haul or convey any solid waste through or upon any of the streets or alleys of the county or dispose of the same in any manner or place without obtaining a license from the Board of Supervisors.

(2) The fee for such license shall be one hundred dollars ($100.) per annum, and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

(3) Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.

(4) No license shall be granted if the place and method of disposal shall not conform to the requirements of this chapter.

(5) No licensed collector shall make any change in the arrangements for disposal or refuse collection by him without first receiving the approval of the Board of Supervisors.[1]

D. Collection vehicles. It shall be unlawful to collect, haul, transport or convey garbage except in enclosed vehicles or containers.

E. Right to use of landfill. The residents of the Town of Appomattox and the Town of Pamplin City will have the same right to the use of the county landfill as any other county resident so long as the Town of Appomattox administers the landfill or until a substitute agreement has been reached by the county and the respective towns.

## § 139-5. Unlawful disposal, operation and transportation activities; place of licensing. [Amended 7-18-1988]

A. It shall be unlawful to dump, store, burn, bury, destroy or otherwise dispose of garbage within the limits of the county except at the county-approved solid waste disposal site or sites or at those sites and containers so approved by the county and permitted by the Health Department.[2]

B. It shall be unlawful to establish, maintain or operate an unregulated, unlicensed dump or landfill within Appomattox County, Virginia.

C. It shall be unlawful for any person or entity to transport for disposal into the territorial boundaries of Appomattox County any garbage, trash or refuse from outside the territorial boundaries of Appomattox County without proper permit or license issued by Appomattox County as prescribed below (Subsection D). Any compacted and/or baled material must be able to be readily examined and inspected by manual means of county officials for the purposes of determining if such garbage, trash and/or refuse contains hazardous substances.

D. The place of licensing will be the Office of Building and Housing, and fees for licenses will be one thousand dollars ($1,000.) per licensed and approved acre with a minimum license fee of five thousand dollars ($5,000.). The subject license is renewable annually on the anniversary date or original licensing date.

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[1] **Editor's Note: Former Subsection (6), which pertained to a fee for all private commercial collectors for use of the county sanitary landfill and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

[2] **Editor's Note: Former Subsection (b), which pertained to disposal of rubbish on private land and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

**§ 139-6. Violations and penalties. [Added 7-18-1988; amended 7-12-1993]**

Violation of this Article shall constitute a Class 1 misdemeanor, as provided in Code of Virginia, § 15.1-505. Each day that a person violates this Article shall constitute a separate offense, and such violation shall additionally be subject to injunctive relief in a state court of competent jurisdiction.

**§ 139-7. Fee schedule. [Added 2-6-1989; amended 6-21-1990; 4-23-1992; 5-10-1993]**

The fee schedule shall be as follows:

A. When brought to the landfill:

(1) **[Amended 8-7-1995]** Tires:

(a) All tires will be billed at one dollar ($1.).

(b) Exception. Farm tractor tires and heavy-equipment tires will be billed at three dollars ($3.).

(2) Commercial-hauler-type vehicle.

(a) Loose load:

[1] Loads up to four (4) tons: four dollars and fifty cents ($4.50) per cubic yard.

[2] Loads over four (4) tons: fifty dollars ($50.) per ton.

(b) Compacted load:

[1] Loads up to eight (8) tons: nine dollars ($9.) per cubic yard.

[2] Loads over eight (8) tons: fifty dollars ($50.) per ton.

B. Business/industry (if not picked up by commercial hauler or otherwise disposed of at landfill):

(1) Small user [under two (2) cubic yards per week] monthly fee: five dollars ($5.).

(2) Medium user [under twelve (12) cubic yards per week) monthly fee: twenty-four dollars ($24.).

(3) Large user [twelve (12) cubic yards or over per week] monthly fee: forty-five dollars ($45.).

(4) Extra large user [over twenty (20) truckloads per week] will be given individually negotiated rate after study to determine usage.

C. All dead animals (large): twenty-five dollars ($25.) each.

D. Local governments are exempt from these fees.

E. Commercial haulers must register with the landfill office and pay an annual license fee of one hundred dollars ($100.). Commercial haulers will be charged for waste generated from both residential and business customers, and rates will be the same as Subsection A above.

Only waste generated in Appomattox County will be accepted at the Appomattox County Landfill.

F. County residents shall be allowed to deposit up to twelve (12) cubic yards per month of solid waste generated by their own residence without charge. (This does not include tires.) Over twelve (12) cubic yards per month will be charged the same as in the fee schedule above.[3]

G. Fee collection details will be as prescribed by the landfill administrative office.

H. This change is to be effective June 1, 1993, and new rates will be charged at that time. Existing commercial permits must be renewed prior to July 1, 1993.

I. The Town of Pamplin City's commercial carrier is exempt from these requirements, provided that this carrier only picks up solid waste within the corporate limits of Pamplin City.

J. There shall be no break in price for quantity of tires brought to the landfill for disposal. **[Amended 8-7-1995]**

## ARTICLE II
## Solid Waste Containers and Littering
## [Adopted 7-12-1993]

### § 139-8. Unlawful activities.

A. It shall be unlawful for any person to place furniture, appliances, dead animals, stumps, brush, tires, explosives or fence wire in any solid waste container located in the County of Appomattox.

B. It shall be unlawful for any person to litter in or around or place anything outside any solid waste container located in Appomattox County.

### § 139-9. Violations and penalties.

Any person violating the provisions of this Article shall be guilty of a Class 3 misdemeanor.

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[3] **Editor's Note: Former Subsection (7), which pertained to fee collection details as prescribed by the landfill administrative office and which immediately followed this subsection, was deleted at time of adoption of Code 7-12-1993; see Ch. 1, General Provisions, Art. I.**

# Chapter 71

# EROSION AND SEDIMENT CONTROL


§ 71-1. Purpose.
§ 71-2. Authorization.
§ 71-3. Definitions.
§ 71-4. Adoption of state program and handbook by reference.
§ 71-5. Submission and approval of plans for land-disturbing activities.
§ 71-6. Land-disturbing permits; fees; issuance; bond.
§ 71-7. Inspections, monitoring and reports; action upon determination of violation.
§ 71-8. Violations and penalties; additional remedies.
§ 71-9. Appeals and judicial review.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 1-10-1992. Amendments noted where applicable.]**

GENERAL REFERENCES

**Subdivision of land — See Ch. 141.**

## § 71-1. Purpose.[1]

The purpose of this chapter is to conserve the land, water and other natural resources of the county and to promote the public health and welfare of the people in the county by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.

## § 71-2. Authorization.

This chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4, known as the "Erosion and Sediment Control Law." Such Article provides for a comprehensive statewide program with standards and guidelines to control soil erosion and sedimentation which is implemented on the local level.

## § 71-3. Definitions. [Amended 7-12-1993]

As used in this chapter, unless the context clearly requires a different meaning, the terms used shall have the meanings as set forth in § 10.1-560 of the Code of Virginia.

1 **Editor's Note: For state law as to erosion control, see Code of Virginia, § 10.1-560 et seq.**

**§ 71-4. Adoption of state program and handbook by reference.**

The regulations, as adopted and amended from time to time, in the State Erosion and Sediment Control Program and the Virginia Erosion and Sediment Control Handbook are adopted and incorporated as a part of this chapter as part of the Appomattox County Erosion and Sediment Control Program.

**§ 71-5. Submission and approval of plans for land-disturbing activities. [Amended 7-12-1993]**

A. Except as provided herein, no person shall engage in any land-disturbing activity until he has submitted to the Plan Approving Authority for Appomattox County an erosion and sediment control plan for land-disturbing activity and such plan has been reviewed and approved.

B. The Plan Approving Authority shall, within forty-five (45) days of the receipt of the plan, approve any such plan if he determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter and Title 10.1, Chapter 5, Article 4, Code of Virginia, including the applicable regulations.

C. The plan shall be acted upon within forty-five (45) days from receipt thereof by either approving said plan, in writing, or by disapproving said plan, in writing, and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the Plan Approving Authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

D. An approved plan may be changed by the Plan Approving Authority when:

   (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

   (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the Plan Approving Authority and the person responsible for carrying out the plans.

E. In order to prevent further erosion, the local control program may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

F. For purposes of Subsections A, B and C of this section, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of an erosion and sediment control plan shall be the responsibility of the owner.

**§ 71-6. Land-disturbing permits; fees; issuance; bond.**

A. No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter and he has paid the fees and posted the required bond.

B. Fees. A plan review and inspection fee of fifty dollars ($50.) for up to one (1) acre, one hundred dollars ($100.) for one (1) to five (5) acres, three hundred dollars ($300.) for six (6) to (20) twenty acres and six hundred dollars ($600.) for twenty-one (21) acres and up shall be paid to the County of Appomattox at the time of filing erosion and sediment control plans.

C. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

D. Bond. The Plan Approving Authority, prior to issuing a permit, may require any applicant to submit a reasonable performance bond with surety, cash escrow, an irrevocable letter of credit, or any combination thereof, or such other legal arrangements acceptable to the Plan Approving Authority to insure that measures could be taken by the County of Appomattox at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by the approved plan as a result of his land-disturbing activity. If the County of Appomattox takes such conservation action upon such failure by the permittee, the County of Appomattox may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, irrevocable letter of credit or other legal arrangement or the unexpected or unobligated portion thereof shall be refunded to the applicant or terminated. These requirements are in addition to all other provisions relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits. **[Amended 7-12-1993]**

**§ 71-7. Inspections, monitoring and reports; action upon determination of violation. [Amended 7-12-1993]**

A. The Plan Approving Authority shall provide for and/or conduct periodic inspections of the land-disturbing activity and may require monitoring and reports from the person responsible for carrying out the plan to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier or operator shall be given an opportunity to accompany the inspector. If the Plan Approving Authority determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed

to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.

B. Upon determination of substantial violation of this chapter, the Plan Approving Authority may, either in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watershed of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Appomattox. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Plan Approving Authority from taking any other action authorized by this chapter.

**§ 71-8. Violations and penalties; additional remedies.**

A. Violators of this chapter shall be deemed guilty of a Class 1 misdemeanor. **[Amended 7-12-1993]**

B. The Plan Approving Authority may apply to the Circuit Court of Appomattox County to enjoin a violation or a threatened violation of this chapter, within the necessity of showing that an adequate remedy at law does not exist. **[Amended 7-12-1993]**

C. In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the County of Appomattox in a civil action for damages.

D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars ($2,000.) for each violation.

E. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the County of Appomattox may provide for the payment of civil charges for violations in specific sums not to exceed the limit specified in Subsection D of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection D.

F. The commonwealth's Attorney shall, upon request of the County of Appomattox, take legal action to enforce the provisions of this chapter.

G. Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

**§ 71-9. Appeals and judicial review.**

Final decisions of the County of Appomattox under this chapter shall be subject to review by the Appomattox County Circuit Court, provided that an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

# Chapter 141

# SUBDIVISION OF LAND


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**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 12-27-1989. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Planning Commission — See Ch. 30.**
**Building construction — See Ch. 51.**
**Erosion and sediment control — See Ch. 71.**
**Fire prevention — See Ch. 76.**
**Zoning — See Ch. 170.**

# ARTICLE I
# General Provisions

## § 141-1. Purpose.

A. The purpose of this chapter is to establish certain subdivision standards and procedures for the county and such of its environs as come under the jurisdiction of the Board of Supervisors as provided for by the Code of Virginia, as amended.

B. These are part of long-range plans to guide and facilitate the orderly beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This chapter assists the community in meeting these responsibilities.

## § 141-2. Word usage; definitions.

A. Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; and reference to this chapter includes all ordinances amending or supplementing the same. All distances and areas refer to measurement in a horizontal plane.

B. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AGENT — The representative of the Board of Supervisors appointed to serve as the agent of the Board in approving the subdivision plans. The "agent" shall be appointed by the Board of Supervisors. **[Amended 7-12-1993]**

ALLEY — A permanent service way providing a secondary means of access to abutting properties.

BUILDING LINE — The distance which a building is from the front lot line or front boundary line.

COMMISSION — The Planning Commission of Appomattox County, Virginia.

CUL-DE-SAC — A street with only one (1) outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

DEVELOPER — An owner of property being subdivided, whether or not represented by an agent.

EASEMENT — A grant by a property owner of the use of land for specific purpose or purposes.

ENGINEER — An engineer licensed by the Commonwealth of Virginia.

HEALTH OFFICER (or OFFICIAL) — The Health Officer or Sanitariums of the county.

HIGHWAY ENGINEER — The resident engineer employed by the Virginia Department of Transportation.

JURISDICTION — The area or territory subject to the legislative control of the Board of Supervisors.

LOT — A numbered and recorded portion of a subdivision intended for transfer ownership or for building development for a single building and its accessory buildings.

LOT, CORNER — A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE — An interior lot having frontage on two (2) streets.

LOT, INTERIOR — A lot other than a corner lot.

LOT OF RECORD — A lot which has been recorded in the office of the Clerk of the appropriate court.

LOT, WIDTH OF — The mean horizontal distance between the side lot lines.

PLAT — Includes the terms "map," "plan," "plot," "replat" or "replot"; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PROPERTY — Any tract, lot, parcel or several of the same collected together for the purpose for subdividing.

STREET — The principal means of access to abutting properties.

STREET, MAJOR — A heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding five hundred (500) vehicles per day.

STREET OR ALLEY, PUBLIC USE OF — The unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.

STREET, OTHER — A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.

STREET, SERVICE DRIVE — A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET WIDTH — The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

SUBDIVIDE — To divide any tract, parcel or lot of land into two (2) or more parts. The word "subdivide" and any derivative thereof shall have reference to the term "subdivide," as defined herein.

SUBDIVIDER — An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

SURVEYOR — A surveyor licensed by the Commonwealth of Virginia.

**§ 141-3. Intent of Board of Supervisors; general requirements.**

A. The intent of the Board of Supervisors is to require the necessary street and highway construction requirements needed to make all subdivision roads eligible for acceptance into the secondary road system of the Virginia Department of Transportation.

B. Before approval of the roads in any final subdivision plat shall be given, the resident Highway Engineer for the county shall submit, in writing, that all requirements and specifications of the Virginia Department of Transportation for acceptance into the secondary road system have been met. This approval does not indicate, however, that such roads will be immediately accepted into the secondary road system of the Virginia Department of Transportation. The roads must render a public service, that is, from a standpoint of occupied dwellings and continuing traffic service to the same. After the effective date of this chapter, all subdivisions shall incorporate the following requirements, standards and specifications:

(1) The right-of-way width shall be not less than fifty (50) feet.

(2) The roadway shall be graded to thirty (30) feet, exclusive of side ditches.

(3) Drainage structures, including culverts approved by the Virginia Department of Transportation, shall be provided.

(4) Drainage easements within subdivisions and easements for drainage outlets leaving subdivisions are to be shown on the recorded plat of the subdivision.

(5) The aggregate base for pavement shall be a minimum of twenty (20) feet in width and five (5) inches in depth and shall be of satisfactory stabilizing material meeting the requirements of the current Virginia Department of Transportation specifications.

(6) The pavement shall be a minimum width of twenty (20) feet, consisting of a prime and double seal treatment of bituminous material and aggregate. The rates of application and the material shall meet the requirements of the current Virginia Department of Transportation specifications.

(7) Side ditches and outlet ditches shall be paved in accordance with the Virginia Department of Transportation current specifications, if deemed necessary by the resident Highway Engineer for the county.

(8) All drainage structures under driveways shall be a minimum of twelve (12) inches in diameter.

(9) The inclusion of new subdivision roads into the secondary road system of the Virginia Department of Transportation at any time other than July 1 will require the developer to pay a maintenance fee.

(10) The developer shall contact the Highway Engineer for the county to determine the requirements necessary to be met to comply with the Virginia Department of Transportation design standards and specifications.

### § 141-4. Amendments to chapter.

This chapter may be amended in whole or in part by the Board of Supervisors, provided that any such amendment shall either originate with or be submitted to the Commission for recommendations, and further provided that no such amendment shall be adopted without a public hearing having been held by the Board of Supervisors in accordance with Code of Virginia, § 15.1-431, as amended.

### § 141-5. Violations and penalties.

Any persons violating the provisions of this chapter shall be subject to a fine of not more than five hundred dollars ($500.) for each lot or parcel of land subdivided or transferred or sold in violation of the provisions of this chapter; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided.

### § 141-6. Compliance required. [Amended 7-12-1993]

No person shall subdivide any tract of land that is located within the county as defined in §§ 15.1-465 to 15.1-485, Code of Virginia, except in conformity with the provisions of this chapter. The agent may, however, permit the separation of one (1) parcel from a tract of land without complying with all requirements of this chapter if it is not in conflict with the general meaning and purpose of the chapter; if no new streets are required to serve the parcel; if the lot size complies with Chapter 170, Zoning, of the Appomattox County Code; or if it is in compliance with § 15.1-466 (12), Code of Virginia 1950, as amended, and § 141-22 of this chapter.

**§ 141-7. Exceptions.**

Exceptions to this chapter shall be as follows:

A. Any tract or parcel of five (5) acres or more fronting at least two hundred (200) feet on a state-maintained highway. This does not include exception from § 141-22.

B. Any tract or parcel of ten (10) to twenty-five (25) acres not fronting on a state-maintained highway but being served by a fifty-foot road right-of-way to a state-maintained highway.

(1) An owner's association shall be formed meeting the requirements of this chapter as approved by the Appomattox County Planning Commission and the Board of Supervisors. **[Amended 7-12-1993]**

(2) No more than sixteen (16) tracts (including existing tracts) may be served by any one (1) right-of-way.

(3) The road shall be crusher run gravel surfaced or better, twenty (20) feet wide with four (4) inches of stone and all disturbed areas seeded in accordance with Chapter 71, Erosion and Sediment Control, of the Appomattox County Code. **[Amended 7-12-1993]**

(4) When lots are sold under this subdivision plan, the following statement shall be reproduced on the plat and the deeds or conditional sales contracts granted to the purchaser.

> The undersigned certify (certifies) that in the event streets dedicated on this plat are to be constructed to current standards of the Virginia Department of Transportation, all cost of the improvements shall be at the owner of record's cost and no public funds shall be used to construct such streets. The undersigned further understands that no services provided by the county and state requiring streets constructed to Department of Transportation standards will be provided to such lots.
>
> Witness the following signatures the (date) day of (month) (year). Signed
>
> (Owner's Signature)
> (Print Name)

(5) All lots not fronting on a street constructed to Department of Transportation standards shall not be subdivided into smaller lots without conforming to the requirements of this chapter. The subdivider of said tracts in less than ten-acre tracts shall, at his expense, construct to Department of Transportation standards, on dedicated rights-of-way, a road connecting the proposed subdivision to the nearest road meeting Virginia Department of Transportation standards and in the Virginia Department of Transportation system.

(6) This does not include exception from § 141-22.

C. Any tract or parcel of twenty-five (25) acres or more.

D. Where the subdivider can show that a provision of this chapter could cause unnecessary hardship if strictly adhered to or where, because of topographical or other conditions peculiar to the site, in the opinion of the agent, a departure may be made without

destroying the intent of this chapter, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent, with the reasoning on which the departure was justified set forth.

### § 141-8. Applicability to private contracts; more restrictive provisions to prevail.

This chapter bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

## ARTICLE II
## Administration

### § 141-9. Agent.

The agent appointed by the Board of Supervisors is hereby delegated to administer this chapter. In so doing, the agent shall be considered the agent of the Board, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the Board. The agent shall also consult with the Commission on matters contained herein. In the event that a plan for subdivision is disapproved by the agent, the subdivider may appeal to the Board, which may then override the recommendation of the agent and approve such plat.

### § 141-10. Duties of agent.

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this chapter and the Land Subdivision and Development Act.[1]

### § 141-11. Authority of agent to consult with other departments.

In the performance of its duties, the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident Highway Engineer and the Health Officer.

### § 141-12. Establishment of additional administrative procedures permitted.

In addition to the regulations herein contained for the platting of the subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter.

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1 **Editor's Note: See Title 15.1, Chapter 11, Article 7, of the Code of Virginia.**

ARTICLE III
**General Requirements**

### § 141-13. Mutual responsibility.

There is a mutual responsibility between the subdivider and the county to divide the land so as to improve the general use pattern of the land being subdivided.

### § 141-14. Suitability of land.

The agent shall not approve the subdivision of land if, after adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

### § 141-15. Installation of improvements; release of performance bond.

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements.

### § 141-16. Land subject to flooding or otherwise topographically unsuitable.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

### § 141-17. Easements.

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required by the agent.

### § 141-18. Improvements.

A. Necessary data. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements, together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The Highway Engineer shall then approve or

disapprove the plans. The subdivider shall also provide any other information required by the Highway Engineer.

B. Plans and specifications. Four (4) black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer/surveyor and shall be submitted to the agent for approval or disapproval within forty-five (45) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event that no action is taken in forty-five (45) days, such subdivision shall be deemed approved.

C. Bond. Before any subdivision plat will be finally approved by the agent, the subdivider shall, in lieu of construction, furnish a bond, irrevocable letter of credit, certified check or cash in an amount calculated by the agent to secure the required improvements in a workmanlike manner and in accordance with specifications and construction schedules established or approved by the appropriate engineer, which bond, irrevocable letter of credit, certified check or cash shall be payable to and held by the Board of Supervisors. **[Amended 7-12-1993]**

### § 141-19. Water supply systems.

Where public water is available, the service shall be extended to all lots within a subdivision, including fire hydrants, by the subdivider in accordance with the design standards and specifications for water, construction and improvements in the county and meeting the approval of the agent. Every subdivision containing twenty-five (25) or more lots to which public water cannot or will not be provided shall be supplied by the subdivider with a complete central water supply and distribution system to serve each and every lot containing less than twenty thousand (20.000) square feet per lot.

### § 141-20. Public sewage facilities.

Where public sewerage facilities are available, the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements in accordance with State Health Department specifications and meeting the approval of the agent, provided that the average prevailing lot size is less than twenty-five thousand (25,000) square feet. In case of a subdivision in which the size of lots is twenty-five thousand (25,000) square feet or more in area, an individual sewage disposal system for each lot may be provided subject to the approval by the health official.

### § 141-21. Private water and/or sewage system.

Nothing in this chapter shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available; provided, however, that such installations must meet all the requirements of the State Water Control

Board, the State Health Department and any other state or local regulation having authority over such installation.

### § 141-22. Septic tanks or wells.

Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The agent shall require that data from soil evaluation and/or percolation tests be submitted as a basis for passing subdivisions dependent upon septic tanks as a means of sewage disposal.

### § 141-23. Streets.

In general, all streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality. The streets shall meet the minimum requirements of the Virginia Department of Transportation's policy, unless they are less restrictive than this chapter.

A. Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty degrees (60°), unless approved by the agent upon recommendation of the Highway Engineer.

B. Service drives. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

C. Approach angle. Major streets shall approach major or minor streets at an angle of not less than eighty degrees (80°) unless the agent, upon recommendation of the Highway Engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

D. Minimum width. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan or, if not shown on such plan, shall be a minimum of fifty (50) feet; the minimum width for local service drives or other minor streets which cannot be extended in the future shall be not less than fifty (50) feet; and the minimum width for alleys, if permitted, shall be not less than twenty (20) feet nor more

than twenty-eight (28) feet. Where the subdivision fronts on either side of a publicly maintained road or street, the subdivider shall provide twenty-five (25) feet of right-of-way from the center line of the road or street on the subdivision side.

E. Construction requirements. In cases where Virginia Department of Transportation specifications are lacking or less restrictive than the requirements of this chapter, this chapter shall prevail. The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the Highway Engineer prior to final action by the agent. Wherever feasible, street grades shall not exceed ten percent (10%).

F. Culs-de-sac. Generally, minor terminal streets (culs-de-sac) designed to have one (1) end permanently closed must be terminated by a turnaround with a right-of-way of not less than one hundred twenty (120) feet in diameter and pavement of not less than sixty (60) feet in diameter. **[Amended 7-12-1993]**

G. Alleys. Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.

H. Private streets. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.

I. Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names, irrespective of the use of the suffix "street," "avenue," "boulevard," "drive," "way," "place," "lane" or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.

J. Identification signs. Street identification signs of a design approved by the agent shall be installed at all intersections.

### § 141-24. Blocks.

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:

A. Length. Generally, the maximum length of blocks shall be twelve hundred (1,200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.

B. Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.

C. Orientation. Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

**§ 141-25. Lots.**

A. Minimum sizes.

(1) The minimum lot size in any area shall be as specified in Chapter 170, Zoning, of the Appomattox County Code.

(2) Minimum frontage on culs-de-sac shall be twenty-five (25) feet.

B. Arrangement. In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied:

(1) Shape. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and will be properly related to topography and conform to requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(2) Location on street. Each lot shall abut, front upon and be contiguous with and on a street dedicated by the subdivision plat or on an existing publicly dedicated street or state-maintained highway for a distance of one hundred (100) feet. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of fifty (50) feet.

(3) Corner lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the agent.

(4) Side lines. Side lines of lots shall be approximately at right angles or radial to the street line.

(5) Lot remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels. No landlocked parcels shall be created.

(6) Separate ownership. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Circuit Court and held with the final plat until the subdivider is ready to record the same, and they both shall be recorded together.

(7) Business or industrial use. Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

**§ 141-26. Monuments.**

A. Generally. As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by

the agent are flush with the ground and clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the Board of Supervisors. **[Amended 7-12-1993]**

B. Concrete. Concrete monuments four (4) inches in diameter or square, thirty (30) inches long, with a flat top, shall be at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at appropriate points as determined by the agent along the rear lot lines, but in no instance shall there be fewer than three (3) monuments in any given site distance. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with finished grade.

C. Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter or solid iron rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

## ARTICLE IV
## Submission and Approval of Plats

### § 141-27. Plat required.

Any owner or developer of any tract of land situated within the county who subdivides a tract of land shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded.

### § 141-28. Certification. [Amended 7-12-1993]

Every such plat shall be prepared by an engineer or surveyor, duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon such plat within an inset block or by means of a dotted boundary line upon the plat.

### § 141-29. Statement required; filing and recording. [Amended 7-12-1993]

Every such plat or the deed of dedication to which the plat is attached shall contain, in addition to the engineer's or surveyor's certificate, a statement to the effect that the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds

and, when thus executed and approved as herein specified, shall be filed and recorded in the office of the Clerk of the Circuit Court and indexed under the names of the landowners signing such statement and under the name of the subdivision.

### § 141-30. Changes to plats.

No change, erasure or revision shall be made on any preliminary or final plat nor on accompanying data sheets after approval of the agent has been endorsed, in writing, on the plat or sheets unless authorization for such changes has been granted, in writing, by the agent.

### § 141-31. Fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the subdivider shall deposit with the agent checks payable to the Treasurer in the amount of twenty-five dollars ($25.) per plat and one dollar ($1.) for each lot if the subdivision contains five (5) or more lots; if the subdivision contains fewer than five (5) lots, the charge shall be ten dollars ($10.) per plat and one ($1.) dollar for each lot. All plats must be approved by the subdivision agent before recording.

### § 141-32. Approval required prior to issuance of permit and sale.

Whenever any subdivision of land is proposed and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply, in writing, to the agent for the approval of the subdivision plat and submit four (4) copies of the preliminary plat including the lot, street and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded.

### § 141-33. Preliminary sketch.

A. The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The Commission, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes, and any such marked sketch shall be returned to the Commission with the preliminary plat.

B. The preliminary sketch shall be as follows:

   (1) It shall be drawn on white paper or on a print of a topographical map of the property. It shall be drawn to a scale of not more than one hundred (100) feet to the inch for lots of one (1) acre in size. Tracts of over one (1) acre shall be drawn to appropriate scale as determined by the agent. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets,

lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

(2) Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the Board of Supervisors.

### § 141-34. Contents of preliminary plat.

The subdivider shall present to the Commission four (4) prints of a preliminary layout as a preliminary plat. The preliminary plat shall include the following information:

A. Name of subdivision, etc: the name of the subdivision, owner, subdivider and surveyor, the date of the drawing, the number of sheets, North point and scale. If true North is used, the method of determination must be shown.

B. Location: the location of the proposed subdivision by an inset map at a scale of not less than one (1) inch equals two (2) miles, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.

C. Boundary survey: the boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (25,000); total acreage; acreage of the subdivided area; the number and approximate area and frontage of all building sites; existing buildings within the boundaries of the tract; and the names of the owners and their property lines within the boundaries of the tract and adjoining such boundaries.

D. Streets: all existing, platted and proposed streets and their names, numbers and widths; existing utility or other easements; public areas and parking spaces; and culverts, drains and watercourses, their names and other pertinent data.

E. Drainage layout: the complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined natural drainage.

F. Cross section: a cross section showing the proposed street construction, depth and type of base, type of surface, etc.

G. Profile or contour map: a profile or contour map may be required showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.

H. Location map: a location map tying the subdivision into the present road system, either by aerial photographs or topographic maps of the United States Department of Interior or other acceptable maps.

I. Sewer and water connections: proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

J. Dedications for public use: all parcels of land to be dedicated for public use and the conditions of such dedication.

### § 141-35. Review procedure for preliminary plat.

The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter. The subdivider shall then be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of the public improvements that will have to be made and an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent or, preferably, may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

### § 141-36. Effect of approval of preliminary plat.

Approval by the agent of the preliminary plat does not constitute a guaranty of approval of the final plat.

### § 141-37. Time limit to file final plat.

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

### § 141-38. Contents of final plat.

The subdivision plat submitted for final approval by the Board of Supervisors and subsequent recording shall be clearly and legibly drawn upon a medium acceptable to the agent to a scale of not more than one hundred (100) feet to the inch for lots of one (1) acre in size. Tracts of over one (1) acre shall be drawn to appropriate scale as determined by the agent. It shall be drawn on sheets having a size of fifteen (15) by eighteen (18) inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

A. A blank space three by five (3 x 5) inches reserved for the use of the approving authority and a blank space two by five (2 x 5) inches reserved for use by the recording clerk's certification.

B. Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

C. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

D. When the subdivision consists of land acquired from more than one (1) source of title, the outlines of various tracts indicated by dashed lines and identification of the respective tracts placed on the plat.

E. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including their size and type, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.

F. Distances and bearings, which must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).

G. The data of all curves along the street frontage which shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

### § 141-39. Approval of final plat; conditions. [Amended 7-12-1993]

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for a performance bond, irrevocable letter of credit, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of a final plat shall be written on the face of the plat by the agent. The subdivider shall record such plat within sixty (60) days after its final approval; otherwise, the agent shall mark the plat "void" and return it to the subdivider.

# Chapter 147

# TAXATION


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§ 147-42. Application; display of permit; renewal receipts.
§ 147-43. Violations and penalties.

ARTICLE XV
Semiannual Collection of Real Estate Taxes

§ 147-44. Legislative authority.
§ 147-45. Payment dates; penalty on unpaid taxes; interest.
§ 147-46. Severability.
§ 147-47. Effective date.

[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 3-10-1978 as Art. I of Ch. 8 of the 1978 Code; Art. II, 3-10-1978 as Art. II of Ch. 8 of the 1978 Code, amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. III, 3-10-1978 as Art. IV of Ch. 8 of the 1978 Code; Art. IV, 3-10-1978 as Art. V of Ch. 8 of the 1978 Code; Art. V, 9-8-1978; Art. VI, 6-13-1980, amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. VII, 6-29-1989; Art. VIII, 5-11-1990; Art. IX, 3-27-1991; Art. X, 6-27-1991; Art. XI, 3-10-1978 as Sec. 11-2 of Ch. 11 of the 1978 Code, amended in its entirety at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I); Art. XII, 3-10-1978 as Sec. 11-3 of Ch. 11 of the 1978 Code, amended in its entirety at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I); Art. XIII, 5-13-1983, amended in its entirety at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I); Art. XIV, 6-10-1988; Art. XV, 9-13-1993. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Dog license tax — See Ch. 44.
Abandoned vehicles license tax — See Ch. 158, Art. II.
Motor vehicle license tax — See Ch. 162, Art. II.

# PART 1
# General Provisions

## ARTICLE I
## Personal Property Exemption
## [Adopted 3-10-1978 as Art. I of Ch. 8 of the 1978 Code]

### § 147-1. Certain household goods exempted.

A. Enumeration.

(1) Certain household goods and personal effects are exempt from personal property taxation pursuant to § 58-829.1, Code of Virginia. Items classified as exempt from personal property taxation are as follows:

(a) Bicycles.

(b) Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

(c) Pianos, organs, phonographs and record players and records to be used therewith and all other musical instruments of whatever kind, radio and television instruments and equipment.

(d) Oil paintings, pictures, statuary, curios, articles of virtu and works of art.

(e) Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.

(f) Sporting and photographic equipment.

(g) Clothing and objects of apparel.

(h) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

(2) The classification above set forth shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.

B. Notwithstanding any provision set forth above, household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located. For purposes of this subsection, "household appliances" shall mean all major appliances customarily used in a residential home and which are the property of the owner of the real estate, including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash compactors, clothes dryers, garbage disposals and air-conditioning units. **[Amended 7-12-1993]**

### § 147-2. Certain farm animals and implements exempted. [Added 6-9-1978]

A. Taxation of farm animals, grains and other feeds used for the nurture of farm animals, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

(1) Horses, mules and other kindred animals.

(2) Cattle.

(3) Sheep and goats.

(4) Hogs.

(5) Poultry.

(6) Grains and other feeds used for the nurture of farm animals.

(7) All farm machinery and farm implements.

B. The Board of Supervisors of Appomattox County hereby exempts, in whole, from taxation all of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm machinery or farm implements.

## ARTICLE II
## Retail Sales Tax
## [Adopted 3-10-1978 as Art. II of Ch. 8 of the 1978 Code; amended in its entirety 7-12-1993]

### § 147-3. Imposition; rate; statutory guidelines.

Pursuant to Title 58.1, Chapter 6, § 58.1-605, Code of Virginia, a local general retail sales tax at the rate of one percent (1%) to provide revenue for the general fund of the county is hereby levied. Such tax shall be added to the rate of the state sales tax imposed by Chapter 6, Title 58.1, Code of Virginia. It shall be subject to all the provisions of Chapter 6, Title 58.1, Code of Virginia, all the amendments thereof and the rules and regulations published with respect thereto.

### § 147-4. Administration and collection.

Pursuant to Title 58.1, Chapter 6, § 58.1-605, Code of Virginia, the local general retail sales tax levied by this Article shall be administered and collected by the State Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax, with the adjustments required by § 58.1-628, Code of Virginia.

## ARTICLE III
## Recordation Tax[1]
## [Adopted 3-10-1978 as Art. IV of Ch. 8 of the 1978 Code]

### § 147-5. Imposition; amount.

There is hereby imposed a county recordation tax in an amount equal to one-third (⅓) of the amount of the state recordation tax collectable for the state on the first recordation of each taxable instrument, provided that where a deed or other instrument conveys, covers or relates to property located partly in this county and partly in another county or city or in other countries or cities, the tax imposed under the authority of this section shall be computed only with respect to the property located in this county.

### § 147-6. Payment to Treasurer by Clerk of Court.

The Clerk of the Circuit Court of the county collecting the tax imposed under this Article shall pay the same to the Treasurer.

### § 147-7. Compensation of Clerk.[2]

The Clerk of the Circuit Court collecting the tax imposed by this Article shall be entitled to compensation for such service in an amount equal to five percent (5%) of the amount so collected and paid over to the Treasurer.

## ARTICLE IV
## Probate of Wills; Grants of Administration[3]
## [Adopted 3-10-1978 as Art. V of Ch. 8 of the 1978 Code]

### § 147-8. Imposition; amount.

There is hereby imposed and levied by the county a tax equal to one-third (⅓) of the amount of the state tax collectable for the state on the probate of a will or the grant of administration.

### § 147-9. Collection; payment to Treasurer; compensation of Clerk.

The Clerk of the Circuit Court shall collect the tax imposed by this Article and pay the same to the Treasurer, and the Clerk of the Circuit Court shall be entitled to compensation in an amount equal to five percent (5%) of the amount so collected and paid over to the Treasurer.

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1 **Editor's Note: For state law as to the authority of the county to impose recordation tax, see Code of Virginia, § 58.1-814 and §§ 58.1-3800 through 58.1-3804. As to recordation taxes generally, see Code of Virginia, §§ 58.1-801 to 58.1-814.**

2 **Editor's Note: For the state law basis of this section, see Code of Virginia, §§ 58.1-3803 and 58.1-3804.**

3 **Editor's Note: For state law as to the authority of the county to adopt this Article, see Code of Virginia, § 58.1-1718 and §§ 58.1-3805 through 58.1-3808. As to tax on wills and administration generally, see Code of Virginia, §§ 58.1-1712 through 58.1-1717.**

ARTICLE V
**Exemption for Elderly and Disabled Persons**
**[Adopted 9-8-1978]**

**§ 147-10. Purpose. [Amended 7-12-1993]**

In accordance with §§ 58.1-3210 and 58.1-3506.3, Code of Virginia 1950, as amended, the Board of Supervisors of Appomattox County hereby deems those elderly persons or permanently and totally disabled persons who fall within the provisions of this Article to be bearing an extraordinary tax burden on the real estate defined herein in relation to their income and net worth.

**§ 147-11. Definitions.**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AFFIDAVIT — The real estate tax exemption affidavit.

BOARD OF SUPERVISORS — The Appomattox County Board of Supervisors.

COMMISSIONER OF REVENUE — The Commissioner of Revenue of Appomattox County, Virginia, or any of his duly authorized deputies or agents.

COUNTY — The County of Appomattox, Virginia.

DWELLING — The full-time residence of the person or persons claiming exemption.

ELDERLY — A person or persons not less than sixty-five (65) years of age as of December 31 of the year prior to the year the exemption is requested.

EXEMPTION — Exemption from the Appomattox County real estate tax according to the provisions of this Article.

FAIR MARKET VALUE – When applied to real estate, the assessed value, as shown on the records of the Commissioner of Revenue; when applied to personal property, the actual value as appraised by the Commissioner of Revenue.

HEAD OF HOUSEHOLD — The person who provides the primary source of income for the household.

PERMANENTLY AND TOTALLY DISABLED — A person as described in § 58.1-3217, Code of Virginia. **[Amended 7-12-1993]**

PROPERTY — Real property.

RELATIVE — Any relation by blood or marriage.

TAXABLE YEAR — The calendar year, from January 1 until December 31, for which exemption is claimed.

**§147-12. Exemption on certain real estate.**

A. **(Amended 4-10-1981; 5-8-1991; 4-13-1984; 1-2-1996)** Taxation of the dwelling owned by and occupied as the sole dwelling of any person or persons who are elderly or permanently and totally disabled in accordance with the definitions cited above, and provided that the head of the household occupying the dwelling and owning title or partial title thereto has been a resident of Appomattox County for at least one (1) year prior to December 31 of the taxable year for which the request is made, is hereby exempted subject to the following restrictions and conditions:

(1) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ***( fifteen thousand ($15,000.)***, provided that the first***(Six thousand five hundred ($6,500.)*** of income of each relative, other than spouse, of the owner or owners who is living in the dwelling shall not be included in such total.

**§ 147-12. Exemption on certain real estate.**

A. **[Amended 4-10-1981; 5-8-1981; 4-13-1984; 1-2-1996]** Taxation of the dwelling owned by and occupied as the sole dwelling of any person or persons who are elderly or permanently and totally disabled in accordance with the definitions cited above, and provided that the head of the household occupying the dwelling and owning title or partial title thereto has been a resident of Appomattox County for at least one (1) year prior to December 31 of the taxable year for which the request is made, is hereby exempted subject to the following restrictions and conditions:

(1) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed twelve thousand dollars ($12,000.), provided that the first five thousand five hundred dollars ($5,500.) of income of each relative, other than spouse, of the owner or owners who is living in the dwelling shall not be included in such total.

(2) The net combined financial worth of the owners and of the spouse of any owners shall not exceed ninety thousand dollars ($90,000.). The net worth shall include equitable interest and shall be determined on December 31 of the calendar year immediately preceding the application for exemption.

(3) The fair market value of the dwelling and the land not exceeding one (1) acre upon which the dwelling is situated, not to exceed seventy-five thousand dollars ($75,000.), is excluded from the combined financial worth determined in Subsection B.

B. The persons or person claiming such exemption shall file annually with the Commissioner of Revenue an affidavit setting forth the names of the related persons occupying such real estate and that the total combined net worth, including equitable interests and the combined income from all sources, of the person or persons as specified in Subsection A above does not exceed the limits prescribed herein. Such affidavit shall be filed not later than the first day of May and each succeeding calendar year. The Commissioner of Revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefor as specified herein. The Commissioner of Revenue may, in addition, require the production of certified tax returns and any other records to establish the income or financial worth of any applicant for tax relief.

C. In lieu of the annual affidavit requirement in Subsection B above, the person claiming said exemption may file the affidavit on a three-year cycle with an annual certificate by the taxpayer that no information contained on the last preceding affidavit has changed to violate the limitations and conditions provided herein. **[Added 1-2-1996]**

**§ 147-13. Granting of exemption; calculation of amount; change in financial situation; when exemption afforded.**

A. Such exemption may be granted by the Commissioner of Revenue for any year following the date that the head of the household occupying such dwelling and owning title or partial title thereto is certified as being elderly or permanently and totally disabled in accordance

with §§ 58.1-3210 through 58.1-3218, Code of Virginia as amended, which states, in part: "If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration or if such person is not eligible for social security, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth to the effect that such person is permanently and totally disabled."

B. If the Commissioner of Revenue determines that the person or persons are qualified for an exemption, he shall so certify the same and shall determine the percentage of exemption allowable and issue a list of persons eligible and the amount of the exemption determined to be applicable to the claimant's real estate tax liability. Such exemption shall apply only to the tax year for which issued.

C. Calculation of amount; maximum exemption.

(1) The tax exemption shall be as shown on the following schedule:

| Total Combined Income | Percentage of Exemption |
|---|---|
| $0 – $4,000 | 80 |
| $4,001 – $5,000 | 70 |
| $5,001 – $6,000 | 60 |
| $6,001 – $7,000 | 50 |
| $7,001 – $8,000 | 40 |
| $8,001 – $9,000 | 30 |

(2) The maximum annual exemption on any one (1) property shall be two hundred dollars ($200.).

D. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit mentioned above is filed and having the effect of exceeding or violating the limitations and/or conditions provided in this section shall be promptly reported to the Commissioner of Revenue by the applicant and shall nullify any relief of real estate tax liability for the then current taxable year and the taxable year immediately following.

E. Exemption will be afforded in accordance with either the elderly or the permanently and totally disabled, but not both.

### § 147-14. Violations and penalties. [Amended 7-12-1993]

When any person or persons with intent to defraud shall make a false or incorrect application or affidavit for an exemption, he or she shall be guilty of a Class 1 misdemeanor.

ARTICLE VI
**Bank Franchise Tax**
**[Adopted 6-13-1980; amended in its entirety 7-12-1993]**

**§ 147-15. Definitions.**

For the purposes of this Article, the following words shall have the meanings ascribed to them by this section:

BANK — As defined in § 58.1-1201, Code of Virginia.

(Cont'd on page 14709)

NET CAPITAL — A bank's net capital computed pursuant to § 58.1-1202, Code of Virginia.

### § 147-16. Imposition; amount; apportionment for branches.

A. Pursuant to the provisions of Chapter 12 of Title 58.1, Code of Virginia, there is hereby imposed upon each bank located outside any incorporated town but otherwise within the boundaries of this county a tax on net capital equaling eighty per centum (80%) of the state rate of franchise tax set forth in § 58.1-1210, Code of Virginia.

B. In the event that any bank is located within the boundaries of this county but outside any incorporated town located herein and is not the principal office but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by § 58.1-1211, Code of Virginia.

### § 147-17. Filing of return; disposition; payment.

A. On or after the first day of January of each year, but not later than March 1 of any such year, all banks whose principal offices are located within this county but outside any incorporated town herein shall prepare and file with the Commissioner of the Revenue a return as provided by § 58.1-1212, Code of Virginia, in duplicate, which shall set forth the tax on net capital computed pursuant to Chapter 12 of Title 58.1, Code of Virginia. The Commissioner of the Revenue shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the State Department of Taxation.

B. In the event that the principal office of a bank is located outside the boundaries of this county or within any town located herein and such bank has branch offices located within this county, in addition to the filing requirements set forth in Section A hereof, any bank conducting such branch business shall file with the Commissioner of the Revenue of this county a copy of the real estate deduction schedule, apportionment and other items which are required by §§ 58.1-1211, 58.1-1212 and 58.1-1213, Code of Virginia 1950, as amended.

C. Each bank, on or before the first day of June of each year, shall pay into the Treasurer's office (or other appropriate official) of this county all taxes imposed pursuant to this Article.

### § 147-18. Violations and penalties.

Any bank which shall fail or neglect to comply with any provision of this Article shall be fined fifty percent (50%) of the tax due, which fine shall be recovered upon motion, after five (5) days' notice in the Circuit Court of this county.[4] The motion shall be in the name of the commonwealth and shall be presented by the attorney for the commonwealth of this locality.

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[4] **Editor's Note: See § 58.1-1216, Code of Virginia.**

ARTICLE VII
**Utility Tax**
**[Adopted 6-29-1989]**

### § 147-19. Imposition; amount. [Amended 5-13-1993]

A tax will be charged consumers of telephone and electricity utilities in the amount of twenty percent (20%) of the first fifteen dollars ($15.) of the monthly bill for residential consumers and twenty percent (20%) of the first one hundred dollars ($100.) of the monthly bill for commercial consumers as authorized in §§ 58.1-3812 and 58.1-3814, Code of Virginia 1950, as amended. This tax shall be levied on all residents of Appomattox County, including those within incorporated towns.

### § 147-20. When effective.

This tax will not be effective until sixty (60) days subsequent to written notice by certified mail from the county to the registered agent of the utility corporation that is required to collect the tax.

### § 147-21. Exceptions.

Public safety agencies, as defined herein, are exempt from this tax.

### § 147-22. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

> PUBLIC SAFETY AGENCIES — A functional division of a public agency which provides fire-fighting, police, medical or other emergency services or a private entity which provides such services on a voluntary basis.[5]

### § 147-23. Violations and penalties. [Added 7-12-1993]

A violation of this Article shall constitute a Class 1 misdemeanor.

ARTICLE VIII
**Refund of Local Taxes**
**[Adopted 5-11-1990]**

### § 147-24. Refund of taxes erroneously paid; time limit.

A. Upon proper certification by the Commissioner of Revenue or the Treasurer, Appomattox County, the County Administrator may issue warrants to refund any local taxes

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5 **Editor's Note: See § 58.1-3813.3, Code of Virginia 1950, as amended.**

Code of Appomattox County 147.19
to comply with the Code of Virginia 58.1-3814

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§147-19 Imposition; amount.

A tax will be charged consumers of telephone and electricity utilities as authorized in §§58.1-3812 and 58.1-3814, Code of Virginia 1950, as amended. This tax shall be levied on all residents of Appomattox County, including those within incorporated towns.

A. Telephone utilities:
A tax will be charged consumers of telephone utilities in the amount of twenty percent (20%) of the first fifteen dollars ($15.) of the monthly bill for residential consumers and twenty percent (20%) of the first one hundred dollars ($100.) of the monthly bill for commercial consumers as authorized in §58.1-3812, Code of Virginia 1950, as amended.

B. Electric utilities:
A tax will be charged consumers of electricity by electric utility suppliers as authorized in §58.1-3814, Code of Virginia 1950, as amended.

Effective with the first bill electric energy rendered for meter readings on or after January 1, 2001 the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:

Residential consumers: Such tax shall be 20% times the minimum monthly charge imposed upon the customer plus the rate of $.014768 on each kilowatt hour (kWh) delivered monthly to residential consumers by the service provider not to exceed $3.00 monthly.

Commercial/ Industrial consumers: Such tax shall be 20% times the minimum monthly charge imposed upon the consumer plus the rate of $.015279 on each kilowatt hour (kWh) delivered monthly, not to exceed $20.00 per month.

The conversion of tax pursuant to this ordinance to monthly kWh delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.

C. The monies raised from the above tax is for the operation of the sanitary landfill and solid waste disposal.

## Article XVI
## Proposed Telephone Utility License Tax

§147-51 Legislative Authority
Code of Virginia, 1950, as amended. Section 58,1-3731

§147-52 There is hereby levied upon every corporation or other entity providing telephone or telegraph services within the County, for the privilege of doing business within the County, a license tax equal to one half of one percent of the gross receipts accruing from sales to the ultimate consumer in the County. Charges for long distance telephone calls shall not be included in gross receipts for purposes of this license taxation.

§147-53 Effective Date
This ordinance shall be effective at 12:01 A.M. January 1, 2001.

## ARTICLE XVIII

## ORDINANCE ON CONVICTION FEES TO FUND COURTHOUSE SECURITY PERSONNEL

**§147-64. Assessment of Conviction Fees**

A. **Fee amount.** A fee in the amount of five dollars **($5.00)** per criminal or traffic case shall be imposed upon any individual convicted of a violation of any statute or ordinance in either the General District or Circuit Court of Appomattox County.

B. **Method of assessment; purpose.** The fee set forth in subsection A, shall be assessed by the Clerk of the Court in which the conviction occurred, along with the other costs of the court proceedings, and deposited with the County Treasurer. The Treasurer shall hold said funds subject to appropriation by the Board of Supervisors to the Appomattox County Sheriff's Department for the funding of courthouse security personnel.

C. **Authority. This section is enacted in accordance with** §53.1-120 of the Code of Virginia, 1950, as amended.

D. **Effective date.** The effective date of this ordinance is July 1, 2002.

# ARTICLE IXX

# ORDINANCE ON JAIL PROCESSING FEES

**§147-65. Assessment of Jail Processing Fees**

A. **Fee amount.** A fee in the amount of twenty five dollars **($25.00)** shall be imposed upon any individual admitted to the Appomattox County Jail following conviction.

B. **Method of assessment; purpose.** The fees set forth in subsection A, shall be assessed by the Clerk of the Court in which the conviction occurred, along with the other costs of the court proceedings, and deposited with the County Treasurer. The Treasurer shall hold said funds subject to appropriation by the Board of Supervisors to the Appomattox County Sheriff's Department to defray the cost of processing persons into the Appomattox County jail.

C. **Authority. This section is enacted in accordance with** §15.2-1613.1 of the Code of Virginia, 1950, as amended.

D. **Effective date.** The effective date of this ordinance is July 1, 2002.

SUPERVISORS

APPOMATTOX RIVER DISTRICT
[illegible]RY G. KENDRICK

COURTHOUSE DISTRICT
SAMUEL E. CARTER

FALLING RIVER DISTRICT
JESSE L. HANCOCK

PINEY MOUNTAIN DISTRICT
RUSSELL H. MOORE

WRECK ISLAND DISTRICT
FRANK H. CARWILE

# APPOMATTOX COUNTY

## BOARD OF SUPERVISORS

P. O. Box 863
Appomattox, Virginia 24522

COUNTY ADMINISTRATOR
DARRELL A. CARROLL, JR.

(434) 352-2637
FAX: (434) 352-4214
E-MAIL: appomattoxco@mindspring.com

20 June 2002

To: Barbara R. Williams, Clerk of the Court
Dorothy Hamlett, Clerk- General District Court
Betty Justice, Clerk – Juvenile & Domestic Relations Court

From: Andy Carroll AC

Re: Ordinance on Jail Processing Fees
Ordinance on Conviction Fees to Fund Courthouse Security Personnel

Please find attached the two ordinances as approved by the Board of Supervisors at its June 17, 2002 meeting. A public hearing regarding these ordinances was held on June 3, 2002 with no comment by citizens.

As you will note the effective date of both ordinances is July 1, 2002.

Should you have any questions or concerns, please do not hesitate to call me at extension 2637.

erroneously paid. This authority is in accordance with the Code of Virginia 1950, § 58.1-3990, as amended.

B. No refund shall be made when application therefor was made more than three (3) years after the last day of the tax year for which such taxes were assessed.

## ARTICLE IX
## Assessment for Law Library[6]
## [Adopted 3-27-1991]

### § 147-25. Assessment imposed for action filed in Circuit Court.

There shall be assessed as part of the costs incident to each civil action at law or equity filed in the Circuit Court in the county three dollars ($3.) for the purpose of establishing a law library, to be open to the public.

### § 147-26. Assessment imposed for action filed in General District Court.

There shall be assessed as part of the costs incident to each civil action filed in the General District Court in the county three dollars ($3.) for the purpose of establishing a law library.

### § 147-27. Collection; administration; disposition.

Funds received from the above assessment shall be collected by the Clerk of the Court in which the action is filed and remitted to the Treasurer of the county and held by such Treasurer subject to disbursements by the Board of Supervisors for the acquisition of law books and law periodicals for the establishment, use and maintenance of a law library.

## ARTICLE X
## Assessment for Courthouse and Jail
## [Adopted 6-27-1991]

### § 147-28. Assessment imposed. [Amended 7-12-1993]

There is hereby assessed as part of the fees taxed as costs in each criminal or traffic case in the General District Court, the Juvenile and Domestic Relations District Court and the Circuit Court the sum of four dollars ($4.). In addition, there is also hereby assessed a fee of one dollar ($1.) for all civil cases.

### § 147-29. Collection; payment to Treasurer; disbursements.

This assessment shall be collected by the Clerk of the Court in which the action is heard and remitted to the Treasurer of the county and held by the Treasurer subject to disbursements by the Board of Supervisors for construction, renovation or maintenance of courthouse or jail and

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6 **Editor's Note: For state law as to the authority of the county to adopt this Article, see Code of Virginia, § 42.1-70.**

court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

PART 2
License Taxes

ARTICLE XI
**Fortune-Tellers**[7]
**[Adopted 3-10-1978 as Sec. 11-2 of Ch. 11 of the 1978 Code; amended in its entirety 7-12-1993]**

### § 147-30. Amount.

Any person who, for compensation, shall pretend to tell fortunes, assume to act as a clairvoyant or practice palmistry or phrenology within the boundary of Appomattox County shall pay an annual license tax of one thousand dollars ($1,000.).

### § 147-31. Licenses not prorated.

No license issued under this Article shall be prorated.

### § 147-32. Violations and penalties.

Any person who, for compensation, shall engage in the practices above described without the license required shall be guilty of a Class 3 misdemeanor for each offense.

ARTICLE XII
**Carnivals and Other Exhibitions**[8]
**[Adopted 3-10-1978 as Sec. 11-3 of Ch. 11 of the 1978 Code; amended in its entirety 7-12-1993]**

### § 147-33. Imposition; exception.

A county license tax is hereby imposed upon every person, firm, company or corporation which exhibits or gives a performance or exhibition within the limits of the County of Appomattox any show, carnival, circus or speedway in the open air, in tents or in buildings. This Article shall not apply to agricultural fairs.

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[7] **Editor's Note: For state law authorizing the county to license fortune-tellers, etc., see Code of Virginia, § 58.1-3726.**

[8] **Editor's Note: For state law as to licenses for carnivals, see Code of Virginia, § 58.1-3728 et seq.**

### § 147-34. Applicability of statutory definition.

For the purpose of this Article, the definition given in § 58.1-3728, Code of Virginia, as to what constitutes a carnival shall apply.

### § 147-35. Amount; waiver.

On such show or performance there shall be a license tax of a maximum of one thousand dollars ($1,000.) for each performance. The amount of each license tax shall be set by the Board of Supervisors, which shall have the authority to wave any part of the same.

### § 147-36. Violations and penalties.

Every person, firm, company or corporation who or which exhibits or gives a performance or exhibition of any shows, carnivals or circuses above-described in this Article without first obtaining the license required shall be guilty of a Class 3 misdemeanor for each offense.

### § 147-37. Advertising prohibited; fine; exceptions.

A. It shall be unlawful for any circus, carnival or show to publish or post in any way in any county city or town, at any time within (15) fifteen days prior to the holding of such fair in such county city or town, advertising of the exhibition of any circus, carnival or show.

B. The governing body of any county city or town is hereby authorized to levy and collect a fine not to exceed two thousand dollars ($2,000.) for each offense of any person, firm, company or corporation violating any provision of this section.

C. The provisions of this section shall not apply to circuses, carnivals or shows inside the grounds of any agricultural fair held in any county city or town.

## ARTICLE XIII
## Peddlers and Itinerant Vendors[1]
## [Adopted 5-13-1983; amended in its entirety 7-12-1993]

### § 147-38. Amount.

Every person who is a peddler or itinerant merchant, as defined in § 58.1-3717, Code of Virginia 1950, as amended, who shall carry on business, peddle or barter in the County of Appomattox shall pay a license tax in the sum of five hundred dollars ($500.).

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1 **Editor's Note: Also see Ch. 137, Solicitors, of the Code of Appomattox County.**

### § 147-39. Violations and penalties.

Any peddler or itinerant merchant who shall carry on business, peddle or barter in Appomattox County without having first obtained the necessary license as required by this Article shall be guilty of a Class 1 misdemeanor.

## ARTICLE XIV
## Junkyards[2]
## [Adopted 6-10-1988]

### § 147-40. Imposition.

A county license tax is hereby imposed on every person who operates or maintains an automobile graveyard and/or a junkyard, as defined in Virginia Code, § 33.1-348.

### § 147-41. Fee; reapplication; notification of changes.

An annual fee of twenty-five dollars ($25.) shall be submitted with the license application. The fee is nonrefundable and is due every year on the anniversary date of the license being granted. Reapplication is not necessary unless the size, location and/or make-up of the junkyard is changed. In this case, the applicant must reapply. Failure to notify of changes will result in nonapproval of the revised application.

### § 147-42. Application; display of permit; renewal receipts.

An application for a license may be obtained from the office of the County Administrator. The completed application and fee will be returned to the County Administrator for review and approval. One (1) copy of the approved permit will remain on display at the place of business. Annual renewal receipts will be affixed to original license.

### § 147-43. Violations and penalties. [Amended 7-12-1993]

The penalty for noncompliance will be punishable as a Class 1 misdemeanor for each offense.

## ARTICLE XV
## Semiannual Collection of Real Estate Taxes
## [Adopted 9-13-1993]

### § 147-44. Legislative authority.

Authority: 1950 Code of Virginia, as amended (1993).

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[2] **Editor's Note: For state law authorizing the county to license junkyards, etc., see Code of Virginia, § 15.1-28.**

**§ 147-45. Payment dates; penalty on unpaid taxes; interest.**

Taxes due and owing to the county assessed for any year on real estate shall be due and payable in equal installments on the 5th day of June and the fifth day of December of the year the tax is assessed. On all such taxes remaining unpaid on the day after such tax due date there shall be added a penalty of ten percent (10%) of the installment then due or ten dollars ($10.), whichever is greater, which penalty shall become a part of said tax, together with interest thereon at a rate of ten percent (10%) per annum, which interest shall begin on the day after such tax is due.

**§ 147-46. Severability.**

If any part, subsection, sentence, clause or phrase of this Article is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not offset the validity of the remaining portions of this Article.

**§ 147-47. Effective date.**

This Article shall be effective 12:01 a.m. January 1, 1994.

## ARTICLE XVI
## Electric Utility License Tax
## (Adopted 12-6-99)

**147-48. Legislative Authority**

Virginia Code Section 58.1-3731.

**147-49.** There is hereby levied upon every corporation or other entity providing heat, light and power within the county, for the privilege of doing business within the county, a license tax equal to one half of one percent of the gross receipts accruing from sales to the ultimate consumer in the county.

**147-50. Effective Date**

This ordinance shall be effective at 12:01a.m. January 1, 2000.

## *ELECTRIC UTILITY LICENSE TAX URGED*

Need more money in your county budget? Don't forget to levy the business license tax on the gross receipts from electric utility sales!

This levy will be collected automatically by the electric companies and will be delivered to the state if your county does not adopt the appropriate ordinance pursuant to Virginia Code Section 58.1-3731.

All Virginia cities, many towns and approximately one half of the counties already have such a license. The consumers in those localities are paying the same electric rates as those consumers in the counties which do not have the license tax.

Any county which does not have a business license tax levied on the gross receipts of electric utility sales should adopt such a license tax by Jan. 1, 2000. This will not result in higher electric bills for residents of the county.

The county should receive a payment in January or February 2000 for the estimated tax to be collected in the year 2000 and an additional payment in early 2001 for the balance of the tax actually collected. Starting in February 2001, the county will receive payment on a monthly basis based on the previous month's receipts. If the county does not impose this license then, effective January 1, 2001, the county's share will be paid to the state.

You are encouraged to advertise the ordinance, hold a public hearing and adopt (perhaps after Nov. 2) the following ordinance: *There is hereby levied upon every corporation or other entity providing heat, light and power within the county, for the privilege of doing business within the county, a license tax equal to one half of 1 percent of the gross receipts accruing from sales to the ultimate consumer in the county.*

Anyone having questions concerning this license tax should contact VACo General Counsel Flip Hicks at (804) 343-2505.

## ARTICLE XVII
## SPECIAL TAX FOR THE PROVISION OF ENHANCED 9-1-1 SERVICES

### § 147-54 Definitions

A. *"Automatic location identification"* or *"ALI"* means a telephone network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireline E-911 call.

B. *"Automatic number identification"* or *"ANI"* means a telephone network capability that enables the automatic display of the telephone number used to place a wireline E-911 call.

C. *"Consumer"* means a person who, individually or through agents, employees, officers, representatives, or permittees, makes a taxable purchase of local telephone services.

D. *"Enhanced 9-1-1 services"* or *"E-911"* means a service consisting of telephone network features and Public Safety Answering Points (PSAPs) provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs E-911 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and/or ALI features.

E. *"Local telephone service"* means switched local exchange access service for voice and data transmission.

F. *"Provider"* means every person engaged in the business of selling local telephone services to consumers.

G. *"Public Safety Agency"* means a functional division of a public agency which provides fire-fighting, police, medical, or other emergency services or a private entity which provides such services on a volunteer basis.

H. *"Public Safety Answering Point"* or *"PSAP"* means a communications facility equipped and staffed on a twenty-four hour basis to receive and process E-911 calls.

### § 147-55 Enactment, purpose, and use

A. The County of Appomattox finds that the development and maintenance of an Enhanced 9-1-1, or E-911 service serving the residents of the County of Appomattox and the Towns of Appomattox and Pamplin is in the best interests of the residents and therefore intends to have such service operating through a central office on or before July 1, 2003.

B. Under the authority of Code of Virginia § 58.1-3813.1, a special tax is enacted for the development, installation, upgrades, and ongoing maintenance of an E-911 service. This E-911 tax will be imposed on the consumers of telephone service or services in the County of Appomattox and Towns of Appomattox and Pamplin.

C. Amounts collected from the E-911 tax shall be used solely to pay for reasonable, direct recurring and nonrecurring (1) capital costs and operating expenses incurred by a PSAP in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, and maintaining all necessary data, hardware, and software required to receive and process emergency telephone calls through an E-911 system, and (2) personnel costs (salaries, fringe benefits, and training) of dispatchers and call-takers of the E-911 system and of the PSAP director or coordinator provided that such person has no other duties other than the responsibility for the PSAP.

**§ 147-56 Rate of E-911 tax**

The rate of E-911 tax shall be fixed initially at the amount of $3.00 per month per separate telephone access line. When the total initial capital and installation costs are paid, the E-911 tax shall be reduced to the level necessary to offset only the recurring operation, maintenance, and personnel costs of the E-911 system. The county treasurer shall notify the provider of the date on which the E-911 tax is to be reduced under this section. This notification will be sent by certified mail to the registered agent of the provider sixty (60) days in advance of the date on which the E-911 tax is to be reduced.

**§ 147-57 Exempt from E-911 tax**

Access lines serving the following are exempt from the E-911 tax:

A. Federal, state, or local government agencies;
B. Public safety answering points; and
C. Any subscriber to a local telephone service who resides in a nursing home or similar adult care facility.

**§ 147-58 Collection and remittance of E-911 tax**

Any provider of local telephone services to the County of Appomattox and Towns of Appomattox and Pamplin shall collect the E-911 tax from the consumer monthly and remit to the Treasurer of Appomattox County such E-911 tax payments as provided in §§ 58.1-3812 (F) and (G) of the Code of Virginia as amended.

**§ 147-59 Delinquent Taxes**

Any consumer failing to pay, or any provider failing to collect and remit, such E-911 tax on the month that it is due shall incur a penalty of 10% of the amount due plus interest at the same rate

as the percentage interest paid to the taxpayer by the County for overpayments due to erroneously assessed taxes or at the maximum rate permitted under § 58.1- 3916 of the Code of Virginia as amended, whichever amount is higher. In addition to any penalty and interest owed, the consumer or provider will be responsible for the costs of attorneys' fees and or collection agency fees in an amount not exceed twenty percent of the delinquent taxes and other charges collected.

**§ 147-60 Records**

Providers shall keep complete records showing all purchases of local telephone services to consumers in the County of Appomattox and Towns of Appomattox and Pamplin, which records shall show the date of service, the date of billing, the date of payment thereof, and the amount of E-911 tax imposed hereunder. Such records shall be kept at the provider's offices for a period of three years and shall be made available for inspection by the duly authorized agents of the governing body at reasonable times. Copies of such records shall be provided to the County upon request.

**§ 147-61 Receipt and disbursement by Treasurer**

The E-911 tax collected pursuant to this ordinance is solely for the initial capital, installation, and ongoing maintenance costs of the E-911 system. E-911 taxes collected from consumers shall be deemed to be held in trust by the provider until remitted to the Treasurer of the County of Appomattox. The Treasurer of the County of Appomattox shall deposit all E-911 taxes collected and remitted from providers into a separate E-911 revenue fund with accounting of such funds to be used solely for the purposes authorized by this ordinance.

**§ 147-62 Compensation to providers**

Any provider of local telephone service that collects this E-911 tax shall be compensated in the amount of three percent of the amount of E-911 tax due and accounted for in the form of a deduction in submitting the return and paying the amount due by it.

**§ 147-63 Effective date**

This ordinance shall be effective 120 days after certified written notice of its enactment is received by the registered agent of the service providers required to collect the E-911 taxes.

*Enacted under the authority granted in Article 4, Chapter 38 of Title 58.1 of the Code of Virginia (§§ 58.1-3812 through 58.1-3813.1and §§ 58.1-3915 through 58.1-3916) and Article 7(Enhanced Public Safety Telephone Services Act), Chapter 14 (Telegraph and Telephone Companies) of the Code of Virginia (§§56-484.12 through 56-484.18)*

# Chapter 151

# TRADESMEN


§ 151-1. Title.
§ 151-2. Enforcing agency designated.
§ 151-3. Enforcement.
§ 151-4. Fees; nonrefundable.
§ 151-5. Appeals Board.
§ 151-6. Administrative procedures.
§ 151-7. Violations and penalties.
§ 151-8. (Reserved)


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 2-6-1989. Amendments noted where applicable.]**

GENERAL REFERENCES

Solicitors — See Ch. 137.

## § 151-1. Title.

This chapter may be known and referred to as the "Appomattox County Tradesmen Certification Standards."

## § 151-2. Enforcing agency designated.

The Building and Housing Department is hereby designated to act as the enforcing agency for the enforcement of the Virginia Tradesmen Certification Standards, duly adopted by the Virginia Board of Housing and Community Development under authority of § 15.1-11.4 and § 36.99, Code of Virginia 1950, as amended. Enforcement shall be according to the terms of this chapter.

## § 151-3. Enforcement.

The enforcement of the Tradesmen Certification Standards shall be instituted by the Building and Housing Department in accordance with the provisions of the Virginia Tradesmen Certification Standards.

## § 151-4. Fees; nonrefundable.

Every person making application for examination pursuant to this chapter shall pay a fee of ten dollars ($10.). Application fees paid pursuant to this chapter shall not be refunded to either successful or unsuccessful applicants.

### § 151-5. Appeals Board.

The Building Code Board of Appeals is hereby designated as the appeals board to hear appeals arising from the application or interpretation of the Tradesmen Certification Standards.

### § 151-6. Administrative procedures.

The Building and Housing Department shall establish such procedures or requirements as may be necessary for administration and enforcement of this chapter. The procedures are to be approved by the Board of Supervisors.

### § 151-7. Violations and penalties.

It shall be unlawful for any person, firm or corporation, on or after the effective date of this chapter, to violate any provision. Any such violation shall be deemed a misdemeanor, and any person, firm or corporation convicted of a violation shall be punished by fine of not more than five hundred dollars ($500.).

### § 151-8. (Reserved)[1]

[1] **Editor's Note: Former § 151-8, Eligibility for exemption, was repealed 6-5-1995.**

# Chapter 158

# VEHICLES, ABANDONED


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**General Provisions**

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**§ 158-2. Applicability.**
**§ 158-3. Title.**
**§ 158-4. Word usage; definitions.**
**§ 158-5. Storage or accumulation prohibited; visibility.**
**§ 158-6. Right of entry.**
**§ 158-7. Violations and penalties.**

ARTICLE II
**License Tax**

**§ 158-8. Statutory authority.**
**§ 158-9. Definitions.**
**§ 158-10. Imposition of tax.**
**§ 158-11. Exceptions.**
**§ 158-12. Term of license year.**
**§ 158-13. Payment dates.**
**§ 158-14. Issuance of decal upon payment; display.**
**§ 158-15. Disposition of revenue.**
**§ 158-16. Violations and penalties.**
**§ 158-17. Right of entry.**


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 5-12-1989; Art. II, 5-12-1989. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Vehicles and traffic — See Ch. 162.**

## ARTICLE I
## General Provisions
## [Adopted 5-12-1989]

### § 158-1. Purpose.

The purpose of this Article is to prevent the accumulation of inoperable and/or abandoned motor vehicles or parts thereof in unapproved and inappropriate locations in Appomattox County, Virginia, inasmuch as the same constitute an unsightly, obnoxious and unsanitary condition within said county. The presence of such motor vehicles increases the danger of certain communicable diseases by providing a breeding place for rats, mice and other known disease carriers and constitutes a condition detrimental to the mental and economic well-being of the citizens of said county. It is therefor deemed imperative for the preservation of health, safety, peace and the general public welfare requiring it that adequate regulations concerning abandoned or inoperable motor vehicles be adopted requiring property owners, tenants, occupants or lessees to remove the same from their premises.

### § 158-2. Applicability.

These regulations shall apply throughout Appomattox County, Virginia.

### § 158-3. Title.

This Article shall be known and cited by its short title, "Abandoned Auto Ordinance."

### § 158-4. Word usage; definitions.

A. For the purpose of this Article, certain words and terms are defined as follows. Except where the construction of the Article clearly indicates otherwise, words used in the present tense include the future, words in the singular include the plural, and the plural includes the singular; the word "shall" is mandatory and not directory.

B. As used in this Article, the following terms shall have the meanings indicated:

ABANDONED OR INOPERABLE AUTOMOBILES — Any motor vehicle having any major component missing such as engine, transmission, wheels, steering mechanism or others which are necessary for the safe and normal operation of such vehicle and which is exposed to the weather and unlicensed by the Virginia Division of Motor Vehicles at the time of any violation of this Article. Vehicles may be covered by a tarpaulin or other suitable automobile cover (plastic wrapping or bagging material is not suitable).

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind, whether that person is the owner, tenant, lessee or occupant of private property.

PRIVATE PROPERTY — Any lot or area which is subdivided or under one (1) ownership. Any person shall be deemed in violation of this Article if such conditions as are hereinafter provided exist on any one (1) lot or area, irrespective of whether or not such person owns or controls areas or lots contiguous or adjacent to the lot or area alleged to be in violation to this Article.

### § 158-5. Storage or accumulation prohibited; visibility.

Except where permitted by provisions of Chapter 170, Zoning, of the Appomattox County Code, no person shall permit, place or have or aid in permitting, placing or having one (1) or more inoperable or abandoned automobiles upon private property. Subject vehicles shall not be visible from any public roads or public property or any residence.

### § 158-6. Right of entry.

The Sheriff, Appomattox County, Virginia, or any Deputy Sheriff shall have the right to enter the property without consent of the owner or occupant at any time during daylight hours and at such other reasonable times as may be necessary to enforce this Article but entry into private residences is prohibited.

### § 158-7. Violations and penalties. [Amended 7-12-1993]

Failure to comply with any provision of this Article shall constitute a Class 1 misdemeanor. Each and every week that a violation continues shall be deemed a separate offense.

## ARTICLE II
## License Tax
## [Adopted 5-12-1989]

### § 158-8. Statutory authority.

This Article is enacted pursuant to authority contained in § 15.1-27.1, Code of Virginia 1950, as amended.

### § 158-9. Definitions.

The following words and phrases, when used in this Article, shall have the meanings hereinafter respectively ascribed to them:

AUTOMOBILE GRAVEYARD — Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found and which is licensed for operation by the County of Appomattox.

MOTOR VEHICLE — Every vehicle which is self-propelled or designed for self-propulsion.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

### § 158-10. Imposition of tax.

There is hereby imposed a license tax of one hundred dollars ($100.) per year upon the owner or owners of each motor vehicle located within Appomattox County which is visible from any public road, public property or residence, which said motor vehicle does not display current license plates and which is not otherwise exempted thereby.

### § 158-11. Exceptions.

This tax shall not apply to the following:

A. Motor vehicles which are exempted from the requirements of displaying such license plates under the provisions of §§ 46.2-650 through 46.2-750, inclusive, Code of Virginia 1950, as amended. **[Amended 7-12-1993]**

B. Motor vehicles which are in a public landfill.

C. Motor vehicles which are in an automobile graveyard.

D. Motor vehicles which are in the possession of a licensed junk dealer or licensed motor vehicle dealer, provided that the vehicles are located on the same premises as the dealership is licensed for. If located on adjacent or other property, the tax shall apply.

E. Motor vehicles which are being held or stored by or at the discretion of any governmental authority.

F. Motor vehicles which are owned by a member of the armed forces on active duty.

G. Motor vehicles which are regularly stored within a structure or covered by a tarpaulin or other suitable automobile cover. (Plastic wrapping or bagging material is not suitable.)

H. School buses being used for storage of perishable commodities or products.

I. Motor vehicles which are out of sight of a public road or other public property or any residence.

### § 158-12. Term of license year.

For the purpose of this Article, the first license year shall extend from the first day of April 1989 through the 31st day of March 1990. Thereafter, the license year shall begin with the first day of April and extend through the 31st day of March of each next succeeding year.

### § 158-13. Payment dates.

For the first license year, the license tax hereunder shall be paid not later than the 15th day of May of the tax year, but the same may be paid on or after the 15th day of April preceding said license year. For each succeeding license year, the license tax hereunder shall be paid not later than the 31st day of March of the tax year, but the same may be paid on or after the first day of March preceding said license year.

### § 158-14. Issuance of decal upon payment; display.

Said license tax shall be paid to the Treasurer of Appomattox County, whereupon said Treasurer shall issue to such motor vehicle owner an appropriate license decal or other insignia which shall show thereon the word "Appomattox," an indication of the year for which it was issued, the number of the license and the words "Unlicensed Vehicle," which said license decal the owner shall display in a prominent place on said motor vehicle for which it was purchased, which said display shall be clearly visible from outside the motor vehicle.

### § 158-15. Disposition of revenue.

The revenue derived from the tax levied hereunder shall be paid into the general fund of Appomattox County.

### § 158-16. Violations and penalties. [Amended 7-12-1993]

Any person, firm or corporation failing or refusing to pay the license tax herein provided for or failing to display the license decal herein provided for shall be deemed guilty of a Class 1 misdemeanor.

### § 158-17. Right of entry.

The Sheriff, Appomattox County, Virginia, or any Deputy Sheriff shall have the right to enter the property without consent of the owner or occupant at any time during daylight hours and at such other reasonable times as may be necessary to enforce this Article, but entry into structures is prohibited.

# Chapter 162

# VEHICLES AND TRAFFIC

ARTICLE I
General Provisions


§ 162-1. Adoption of state law by reference.

§ 162-2. Applicability to residential subdivisions.

§ 162-3. Applicability to county-owned property and to parking lots.

§ 162-4. Permit required for parades and processions; exceptions.

§ 162-5. Parking in fire lanes and areas for county trash containers prohibited.

§ 162-6. Compliance required.

§ 162-7. Violations and penalties.


ARTICLE II
Motor Vehicle License Tax


§ 162-8. General applicability; construal of provisions.

§ 162-9. Exemption of common carriers.

§ 162-10. Amount of tax; exemptions; terminology.

§ 162-11. Term of license year.

§ 162-12. Issuance of decal; display; nontransferability.

§ 162-13. Issuance of duplicate decal.

§ 162-14. Unauthorized possession of decal.

§ 162-15. Exclusions under state law.

§ 162-16. Disposal of licensed motor vehicle; decal for replacement vehicle.

§ 162-17. Proration of tax.

§ 162-18. Refund upon disposal of licensed motor vehicle.

§ 162-19. Appomattox County compact for enforcement of vehicle decals.


**[HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, 3-10-1978 as Art. I of Ch. 12 of the 1978 Code; Art. II, 3-10-1978 as Art. II of Ch. 12 of the 1978 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

**Abandoned vehicles — See Ch. 162.**

# ARTICLE I
# General Provisions[1]
## [Adopted 3-10-1978 as Art. I of Ch. 12 of the 1978 Code]

### § 162-1. Adoption of state law by reference. [Amended 7-12-1993]

Pursuant to the authority of § 46.2-1313, Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 and Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, as in force on July 1, 1977, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this Article by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Article as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or to fail, neglect or refuse to comply with any provisions of Title 46.2 or Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia.

### § 162-2. Applicability to residential subdivisions.[2]

The provisions of this Article shall apply to all roadways open to the public within residential subdivisions in the county, whether or not such roadways are in public ownership or have been accepted into the state highway system.

### § 162-3. Applicability to county-owned property and to parking lots.[3]

The provisions of this Article shall apply to all county-owned property and to parking lots open to the public designed to accommodate fifty (50) or more vehicles.[4]

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1 **Editor's Note: For state law authorizing the county to regulate motor vehicles and traffic on highways, see Code of Virginia, § 46.2-1300. As to motor vehicles and traffic generally, see Code of Virginia, Title 46.2.**

2 **Editor's Note: For the state law basis of this section, see Code of Virginia, § 46.2-1305.**

3 **Editor's Note: For the state law basis of this section, see Code of Virginia, § 46.2-1219.**

4 **Editor's Note: Former Sec. 12-4, Tailgates on vehicles, and Sec. 12-5, Injuring, tampering or interfering generally with vehicles, which immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For state law as to injuring, tampering or interfering generally with vehicles, see Code of Virginia, § 18.2-146.**

**§ 162-4. Permit required for parades and processions; exceptions.**

No funeral procession or parade, excepting the forces of the United States Army or Navy, the military forces of the state and police and fire vehicles and personnel, shall occupy, march or proceed along any street, road or highway except in accordance with a permit issued by the Board of Supervisors and such other regulations as are set forth in this Article which may apply.[5]

(Cont'd on page 16203)

[5] **Editor's Note: Former Sec. 12-7, Putting glass, etc., on highways prohibited, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For state law as to placing glass and other substances on public roads, see Code of Virginia, § 18.2-324.**

### § 162-5. Parking in fire lanes and areas for county trash containers prohibited.

It shall be unlawful for any person to park a vehicle within any area on public or privately owned property which is designated by signs to be a fire lane or an area reserved for county trash containers or to block access to a county trash container. Any person violating the provisions of this section shall be fined five dollars ($5.). Any vehicle violating the provisions of this section will be towed away at the expense of the owner thereof.

### § 162-6. Compliance required.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this Article or any rule or regulation promulgated pursuant thereto.

### § 162-7. Violations and penalties.[6]

Every person convicted of a violation of any of the provisions of this Article or any rule or regulation promulgated pursuant thereto for which no other penalty is provided shall be guilty of a traffic infraction punishable by a fine of not more than one hundred dollars ($100.).

## ARTICLE II
## Motor Vehicle License Tax[7]
## [Adopted 3-10-1978 as Art. II of Ch 12 of the 1978 Code]

### § 162-8. General applicability; construal of provisions.

Every motor vehicle with a current Virginia state license, whether being operated on the streets, highways or roads within the county in the business or for the private use or benefit of the owner or whether parked in the county, shall be subject to a license tax as provided in this Article. Nothing in this Article shall be construed to require the payment of a license tax on vehicles exclusively employed in transporting fuel, agricultural products, provisions, manure or other things to be used solely at the owner's farm or dwelling or upon farm tractors and implements.

### § 162-9. Exemption of common carriers. [Added 5-10-1985]

A motor vehicle, trailer or semitrailer operated as an intrastate or interstate common carrier shall be exempt from the payment of the license tax, provided that the owner of such motor vehicle, trailer or semitrailer shall keep on file with the County Treasurer an up-to-date certificate of public convenience and necessity.

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6 **Editor's Note: For state law prohibiting the county from imposing a penalty for a violation of traffic regulations in excess of that imposed for a similar offense by the state, see Code of Virginia, § 46.2-1300. As to the state law penalty for the violation of motor vehicle and traffic regulations generally, see Code of Virginia, § 46.2-113.**

7 **Editor's Note: For state law authorizing the county to impose license taxes on vehicles, see Code of Virginia, §§ 46.2-752 and 46.2-755.**

**§ 162-10. Amount of tax; exemptions; terminology. [Amended 11-9-1984; 6-29-1989; 6-27-1991; 7-12-1993]**

A. On each motor vehicle required to be licensed by the preceding section, there shall be a license tax as provided in § 46.2-694, Code of Virginia. This shall not be required of any person who does not actually reside in the county or actually use his motor vehicle in the county in the conduct of his business, occupation or profession or for his private use.

B. Exemptions.

(1) Former prisoners of war authorized to have free Virginia prisoner of war license tags are entitled to receive the same number of County decals at no cost.

C. As used in this section, the following terms shall have the meanings indicated:

RESIDE — To have a place of abode in the county, irrespective of the intention of any person to return to some residence outside of the county at some future time.

**§ 162-11. Term of license year.**

The license tax year for license taxes imposed by this Article shall commence on the first day of April each year and shall expire on the 31st day of March of each succeeding year.

**§ 162-12. Issuance of decal; display; nontransferability.**

A. Any person coming under the provisions of this Article shall make application for a license before April 1 each year upon forms prescribed by the County Treasurer at the office of the County Treasurer, and upon payment of the required tax and upon the production of satisfactory evidence that the county personal property tax has been paid in full, each person shall be issued, as evidence of payment of the license tax, a decal.

B. The license decal shall be attached to the inside lower center portion of the vehicle's windshield so as not to block the operator's view and so that it is plainly visible. Failure to display the license decal shall be considered as a violation of this Article even though the license tax has been paid.

C. It shall be unlawful for any person to whom a license decal is issued upon the payment of license tax prescribed in this Article, unless in compliance with this Article, to give, loan, rent, sell, assign or transfer such decal to another motor vehicle or person or to otherwise permit another person to use in any manner such decal during any license year in which the license decal is issued.

**§ 162-13. Issuance of duplicate decal. [Amended 11-9-1984]**

A duplicate license decal shall be issued at a cost of two dollars ($2.) upon affidavit of the applicant that the original decal issued to that person and issued pursuant to this Article has been lost or destroyed.

### § 162-14. Unauthorized possession of decal.

It shall be unlawful for any person in this county to have in his possession with intent to defraud the county a license decal issued pursuant to this Article to a person other than the holder thereof.

### § 162-15. Exclusions under state law.

Nothing in this Article shall be construed to require a license tax of a person exempted under provisions of state law.

### § 162-16. Disposal of licensed motor vehicle; decal for replacement vehicle. [Amended 6-29-1989]

Every person having paid the current year's license tax and holding a current motor vehicle license decal and disposing of the motor vehicle for which the license decal was issued shall be entitled to be issued a new license decal for a replacement motor vehicle upon application to the County Treasurer's office, payment of a transfer fee of two dollars ($2.) and the production to the Treasurer of the current license decal removed from the windshield of the former motor vehicle.

### § 162-17. Proration of tax.

After the license tax becomes assessable for that year, only one-half (½) of the license tax prescribed by this Article shall be assessed and collected, whenever during the period beginning on the first day of October in any year and ending on the 31st day of March in the same license tax year. Each license issued upon the payment of the license tax shall expire at the end of the license tax year in which it is issued.

### § 162-18. Refund upon disposal of licensed motor vehicle.

Every person holding a current motor vehicle license decal and disposing of the vehicle for which it was issued and not acquiring another vehicle shall be entitled to a refund of one-half (½) of the license tax paid by him upon a surrender, on or before the first day of October of the then current license tax year, of the county license decal and the production of a certificate from the State Motor Vehicle Commissioner or other proper state officer that the state license plates and registration certificate have been surrendered. Such a refund shall be made by the Treasurer of the county from the treasury of the county.

### § 162-19. Appomattox County compact for enforcement of vehicle decals. [Added 1-2-1996]

Pursuant to the Appomattox County motor vehicle license tax:

A. Any owner or operator of a motor vehicle who is required to display a local motor vehicle license for that vehicle by a participating jurisdiction must display such license at all times while such vehicle is operated or parked in the County of Appomattox.

(1) Any vehicle exempt in a participating jurisdiction from imposition of the license tax or fee under Virginia Code § 46.2-755(A) is exempt from this section.

(2) Any vehicle normally garaged, stored, or parked in the County of Appomattox which is exempt from imposition of the license tax or fee under any County of Appomattox ordinance is exempt from this section.

B. A violation of this section shall constitute a Class 4 misdemeanor.

(1) When the operator is the owner of the cited vehicle, such violation shall be discharged by payment of the requisite fine and presentation of satisfactory evidence that the required license has been obtained.

(2) When the operator is not the owner of the cited vehicle, a violation may be discharged by payment of the requisite fine.

C. This section shall become effective when both participating jurisdictions have adopted ordinances substantially similar hereto.

# Chapter 170
# ZONING


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**[HISTORY: Adopted by the Board of Supervisors of Appomattox County 8-22-1988. Amendments noted where applicable.]**

GENERAL REFERENCES

Planning Commission — See Ch. 30.
Building construction — See Ch. 51.
Erosion and sediment control — See Ch. 71.
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## ARTICLE I
## General Provisions[1]

### § 170-1. Purpose. [Amended 7-12-1993]

This chapter is intended to accomplish the purposes listed in § 15.1-489, Code of Virginia, as amended.

[1] Editor's Note: Former Art. I, Authority and Enactment, which immediately preceded this Article, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE II
**Terminology**

### § 170-2. Word usage.

Except as otherwise provided herein, all words shall have their customary dictionary meanings. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes plot or parcel. The word "building" includes structure. The word "shall" is always mandatory. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

### § 170-3. Definitions.

When used in this chapter, the following words and phrases shall have the meanings given in this section:

ACCESSORY BUILDING, USE OR STRUCTURE — A building, use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. Examples of "accessory uses" are private garages, storage sheds, playhouses, swimming pools and satellite disk antennas.

ADMINISTRATOR, ZONING — An official charged with the enforcement of this chapter. He may be an appointed or elected official who is designated for the position by formal resolution of the governing body.

AGRICULTURE — The tilling of the soil, the raising of crops, horticulture and gardening, including the keeping of animals and fowl, and including agricultural industry or business such as dairies and similar uses.

ALTERATION — Any change in the total floor area, use, adaptability or external appearance of any existing structure.

ANTIQUE AND GIFT SHOPS — A commercial establishment which is used primarily for the indoor display and retail sale of merchandise, primarily furniture, silverware, glassware and other curios and collectibles, the value of which is derived from the age, rarity and materials of such items or the workmanship of a particular historic period; flea markets and furniture stores shall not be included.

APARTMENT — A unit in a multifamily dwelling providing a dwelling for a single family in which separate access to the outside is usually not provided and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance and structure.

AUTOMOBILE GRAVEYARD — Any lot or place or part thereof which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found, as defined in § 33.1-348, Code of Virginia, as amended.

AUTOMOBILE SERVICE STATION — Any area of land, including structures thereon, used for retail sale of gasoline or oil, automobile accessories and incidental services, including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles under cover, but excluding painting.

BASE FLOOD ELEVATION (BFE) — As applicable to Article XIII, the Federal Emergency Management Agency designated one-hundred-year-water-surface elevation, plus one (1) foot. **[Added 4-20-1992; amended 7-12-1993]**

BASE FLOOD/ONE-HUNDRED-YEAR FLOOD — As applicable to Article XIII, a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year). **[Added 4-20-1992; amended 7-12-1993]**

BASE MAP — A document on which property lines are depicted to the most accurate scale.

BASEMENT — The part of a building or structure that is wholly or partly below ground level and can be used for residential, office or retail sales purposes with a structural headroom of seven and one-half (7½) feet or more.

BOARDINGHOUSE — A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) unrelated persons, where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration.

BOARD OF APPEALS:

A. The Appomattox County Board of Zoning Appeals, as established under this chapter.

B. As applicable to Article XIII, the Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of said Article. **[Added 4-20-1992; amended 7-12-1993]**

BUFFERING or SCREENING — Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties wherever required by this chapter. Whenever used for screening or buffering purposes, natural growth shall be taken to mean evergreen trees, bushes and shrubbery.

BUILDING — Any structure designed or intended for support, enclosure, shelter or protection of persons, animals, chattels or property.

BUILDING CODE — The Virginia Uniform Statewide Building Code adopted by the governing body, and any amendments thereto.

BUILDING, HEIGHT OF — The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deckline of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; in the case of a building set back from the street line thirty-five (35) feet or more, the "building height" is measured from the average elevation of finished ground surface along the front of the building; and on a corner lot exceeding twenty thousand (20,000) square feet in area, the "height of the building" may be measured from either adjoining curb grade.

BUILDING INSPECTOR — The building official appointed by the governing body to administer and enforce the provisions of the Building Code, or his designated representative or agent.

BUILDING, MAIN — A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING PERMIT — A permit which is issued by the Building Inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the County Building Code of the governing body.

CELLAR — A part of a building or structure that is wholly or partly below ground level and cannot be used for residential, office or retail sales purposes, except for storage, with a structural headroom of less than seven (7) feet and having more than one-half (½) of its height below grade.

CEMETERY — A privately or church owned and/or operated place for burial of the dead, where lots may be sold and perpetual care of the graves may be furnished.

CHURCH — A building which is used by a religious organization for public worship, including support facilities, such as a clergy residence, instructional buildings and church-owned cemeteries.

CIRCUIT COURT — The Circuit Court of Appomattox County, Virginia.

CLUB, PRIVATE — An establishment operated for the social, education or recreation benefit of the members thereof in which no enterprise is conducted except for the convenience of the members thereof and their guests.

COMMERCIAL — A wholesale, retail or service business activity established to carry on trade for a profit.

COMMISSION — The Planning Commission of Appomattox County and the Towns of Appomattox and Pamplin City, Virginia, known as the "Appomattox County Planning Commission."

CONDITIONAL USE — A use of the land which may be allowed in a zoning district in which the land is situated subject to the approval of either the governing body or the Board of Appeals, after a public hearing thereon.

CONDOMINIUM — A single unit in a multiple-unit residential or commercial structure that is offered for sale and shall be part of a condominium project with general common elements, as defined in § 55-79.2, Code of Virginia 1950, as amended.

COUNTRY CLUB — Any nonprofit corporation organized and operated to provide facilities for dining, golf, tennis and swimming to its private self-perpetuating membership. Civic, fraternal and patriotic clubs and lodges, whether operated for profit or not, shall be deemed "country clubs."

COUNTY — Appomattox County, Virginia.

CUL-DE-SAC — A street with only one (1) outlet terminating in a circular turning area.

DANCE HALL — A building open to the general public for the purpose of providing a place for dancing and where an admission is charged for the purpose of making a profit, except when sponsored by civic, charitable or nonprofit groups.

DAY-CARE CENTER — A facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during part of the day only and meeting the licensing requirements for child-care centers of § 63.1-196, Code of Virginia 1950, as amended.

DAY-CARE CENTER FOR ADULTS — A facility which is either operated for profit or which desires licensure for four (4) or more aged, infirm or disabled adults, which is operated during a part of the day only and which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the State Hospital Board and the home or residence of an individual who cares for only persons related to him by blood or marriage, and meeting applicable licensing requirements of the commonwealth. **[Amended 7-12-1993]**

DEVELOPMENT:

A. A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain five (5) or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

B. As applicable to Article XIII, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. **[Added 4-20-1992; amended 7-12-1993]**

DISTRICT — A section of Appomattox County, Virginia, within which the zoning regulations are uniform.

DOMESTIC USE — Normal family or household use of water, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

DWELLING — Any building or portion thereof which is designed for or used for residential purposes.

DWELLING, MULTIFAMILY — A building designed for or occupied exclusively by three (3) or more families living independently of each other in three (3) or more dwelling units; the term includes condominiums of similar physical appearance, character and structure.

DWELLING, SINGLE-FAMILY — A building designed for or occupied exclusively by one (1) family in a single dwelling unit.

DWELLING, TWO-FAMILY (DUPLEX) — A building designed for or occupied exclusively by two (2) families living independently of each other in two (2) dwelling units.

DWELLING UNIT — One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) family, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

EASEMENT — A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation or a certain person or persons.

EMERGENCY SERVICES — Emergency services include fire, police, rescue squads and other similar activities.

ENGINEER — An engineer registered by the Commonwealth of Virginia.

FAMILY — One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood or marriage. **[Amended 7-12-1993]**

FEED LOT — An enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop.

FLOOD — A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.

FLOOD HAZARD AREAS — The maximum area of the floodplain which is likely to be flooded once every one hundred (100) years or for which mudslides can be reasonable anticipated.[2]

FLOODPLAIN — Any land area susceptible to being inundated by water from any source. **[Amended 4-20-1992]**

FLOODPROOFING — A combination of structural provisions, changes or adjustments to properties and structures subject to flooding required for new construction in the floodway by the County Building Code.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. **[Amended 4-20-1992]**

FLOOR AREA — The sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center lines of walls separating two (2) buildings.

A. In particular, "floor area" includes:

(1) Easement space, except such space in a basement which has at least one-third (1/3) of its height below curb level and which is located in a residential building with not more than two (2) stories entirely above curb level.

(2) Elevator shafts or stairwells at each floor.

(3) Floor space in penthouses.

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2 **Editor's Note: The definition of "flood, one hundred year," which immediately immediately followed this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(4) Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more.

(5) Floor space in interior balconies or mezzanines.

(6) Floor space in open or roofed terraces, exterior balconies, breezeways or porches, if more than fifty percent (50%) of the perimeter of such terrace, balcony, breezeway or porch is enclosed.

(7) Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded.

(8) Floor space in accessory buildings except for floor space used for accessory off-street parking.

B. "Floor area" of a building shall not include:

(1) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

(2) Elevator or stair bulkheads, accessory water tanks or cooling towers.

(3) Uncovered steps.

(4) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet.

(5) Floor space in open or roofed terraces, exterior balconies, breezeways or porches, provided that not more than fifty percent (50%) of the perimeter of such terrace, balcony, breezeway or porch is enclosed.

(6) Unenclosed floor space used for permitted or required accessory off-street parking spaces.

(7) Floor space used for accessory off-street loading berths.

(8) Floor space used for mechanical equipment.

GARAGE, PRIVATE — An accessory structure or a portion of the main building designed for the storage of automobiles owned and used by the occupants of the main building.

GARAGE, PUBLIC — A building or portion thereof, other than a private garage, designed or used for storing motor-driven vehicles.

GARDENING — Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees or other botanical objects of natural growth, but not including accessory structures used for the same purpose.

GENERAL CONVENIENCE STORE — A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store, and no more

than four (4) gasoline and/or diesel fuel pumps shall be permitted, subject to the restrictions in § 170-83D and E.

GOLF COURSES — Any golf course, publicly or privately owned, on which the game golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges.

GOLF DRIVING RANGE — A limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

GOVERNING BODY — The Appomattox County Board of Supervisors.

GREENHOUSE — A structure for the raising of plants or flowers indoors for private or retail purposes.

GROUP HOME — A residential facility in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside, with one (1) or more resident counselors or other staff persons. **[Added 7-12-1993]**

HEALTH DEPARTMENT — The Appomattox County Health Department or its designated agent or representative.

HOME FOR ADULTS — Any place, establishment or institution, public or private, including any day-care center for adults, operated or maintained for the maintenance or care of four (4) or more adults who are aged, infirm or disabled, except a facility or portion of a facility licensed by the State Board of Health or the State Hospital Board, but including any portion of such facility not so licensed, and the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage, and meeting applicable licensing requirements of § 63.1-175, Code of Virginia 1950, as amended.

HOME FOR THE AGED — A building or place in which the establishment is providing housing, board, lodging and maintenance for four (4) or more aged persons who are not infirmed, chronically ill or incapacitated, with such establishment having separate sleeping quarters and common areas for dining, recreation and other similar facilities.

HOME OCCUPATION — An accessory use of a dwelling unit, located either in the main building or an accessory building, for financial gain or support involving the manufacture, provision or sale of goods and/or services which is clearly incidental to or secondary to the residential use of a dwelling unit.

HOSPITAL — Includes sanatorium, preventorium, clinic or rest home, and is deemed to mean a place for the treatment of human disorders and ailments; or an institution providing health services for inpatient medical or surgical care, care of sick or injured and related laboratories, offices and outpatient facilities and services.

INFIRMED — Feeble from age and physically or mentally unable to care for oneself. **[Added 7-12-1993]**

JUNK — Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles or parts thereof; iron, steel and other old or scrap ferrous or nonferrous material.

JUNKYARD — An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard.

KENNEL — Any location where raising, grooming, caring for or boarding of dogs, cats or other small animals for commercial purposes is carried on.

LOT — A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term applies to units of land, whether in a subdivision or a development.

LOT, CORNER — A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a "corner lot" if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135°). (See Item A in Figure 1.[3])

LOT COVERAGE — The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

LOT FRONTAGE WIDTH — The distance between side property lot lines measured at the front lot line.

LOT, INTERIOR — A lot other than a corner lot with only one (1) frontage on a street. (See Item C in Figure 1.[4])

LOT LINE (PROPERTY LINE) — The boundary of a lot.

LOT OF RECORD — A lot or parcel of land whose existence, location and dimensions have been recorded in the office of the Clerk of the Circuit Court at the time of the adoption of this chapter.

LOT, THROUGH — A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as "double-frontage lots." (See Item C in Figure 1.[5])

LOT WIDTH — The average horizontal distance between side property lot lines.

MANUFACTURED HOME — A manufactured house that is nineteen (19) or more feet in width, on a permanent foundation and on an individual lot. **[Added 7-12-1993]**

MANUFACTURE and/or MANUFACTURING — The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

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3 **Editor's Note: Figure 1 is included at the end of this chapter.**

4 **Editor's Note: Figure 1 is included at the end of this chapter.**

5 **Editor's Note: Figure 1 is included at the end of this chapter.**

MOBILE HOME — A structure, transportable in one (1) section, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, and classified under §§ 58.1-3503 and 58.1-3521, Code of Virginia 1950, as amended, for taxation purposes. An industrialized building unit, as defined under § 36-71, Code of Virginia 1950, as amended,[6] is not a mobile home. **[Amended 7-12-1993]**

MOBILE HOME, DOUBLE-WIDE — A mobile home built in two (2) sections on a permanent or removable chassis and which, when erected on site, has its tongue, wheels and axles removed; is affixed to a permanent perimeter foundation or skirt; is attached to public water and sewer as required by the Town Code; and must meet all other requirements of a single-family dwelling.

MOBILE HOME LOT — A parcel of land within the boundaries of a mobile home park provided for the placement of a single or double-wide mobile home and the exclusive use of its occupants.

MOBILE HOME PARK — A parcel of land under single common ownership upon which twelve (12) more mobile homes are located on a continual, nonrecreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the mobile homes, but shall not include premises used solely for storage or display of uninhabited mobile homes or premises occupied solely by a land owner and members of his/her family.

MOTEL — A building or a group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.

NATURAL RESOURCE — Includes soil, sand, gravel, stone or other mineral (other than oil and gas) naturally formed on or beneath the surface of the earth.

NONCONFORMING LOT — An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

NONCONFORMING STRUCTURE — An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter or that is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located either at the effective date of this chapter or as subsequent amendments of the chapter.

NONCONFORMING USE — The otherwise legal use of a building or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is

[6] **Editor's Note: § 36-71 of the 1950 Code of Virginia, as amended, was repealed by Acts 1986, c. 37.**

located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONPUBLIC WATER SYSTEM — A water system which, as a general rule, does not provide water to the public for drinking or does not meet the requirements for a public water system; or a well used for obtaining water for drinking or domestic use located on an individual lot for the purpose of serving the main dwelling on said lot, with any new well to be at least a Class III-A drilled well as approved by the Health Department.

NURSING HOME — A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital, and includes rest homes and convalescent homes.

ON-SITE SEWERAGE SYSTEM (SEPTIC TANK SYSTEM) — A sewerage system designed not to result in a point-source discharge, including individual septic tanks used by the main dwelling on an individual lot, and approved by the Health Department.

OPEN SPACE — A yard area which is not used for or occupied by a driveway, off-street parking, loading space or refuse storage space.

OWNER — Any person, agent, firm or corporation having a legal or equitable interest in the property.

PERMITTED USE — A use of the land which is allowed by right in the zoning district in which the land is situated.

PLAT — The schematic representation of land divided or to be divided.

PRESCRIPTIVE EASEMENT — An easement granted the Virginia Department of Transportation for the construction and maintenance of public roads owned by said department. **[Amended 7-12-1993]**

PROFESSIONAL OFFICE — An office for the conduct of a professional use by persons generally engaged in rendering personal, executive, sales or administrative services or activities, including law, medicine, theology, architecture, accounting, engineering, insurance, real estate, stockbrokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors. **[Amended 7-12-1993]**

PROFFER — An offer or proposal which the property owner, or his agents, commits himself as additional requirements or restrictions on his property.

PUBLIC BUILDING — A building owned or leased and occupied and used by an agency or political subdivision of the United States of America, the Commonwealth of Virginia or Appomattox County.

PUBLIC SEWERAGE SYSTEM — A sewerage system owned and operated by the governing body or any sewerage system resulting in a point-source discharge and approved by the Health Department.

PUBLIC UTILITIES — Public service structures such as power plant substations; waterlines and treatment plants or pumping stations; sewage disposal systems and treatment plants; or such similar operations, publicly or privately owned, furnishing electricity, gas, rail transport, communication or related services to the general public. **[Amended 7-12-1993]**

PUBLIC WATER SYSTEM — A water system owned and operated by the governing body; or any water system for drinking or domestic use, approved by the Health Department, that generally has at least fifteen (15) connections or provides water to an average of twenty-five (25) individuals for at least sixty (60) days out of the year. **[Amended 7-12-1993]**

RAMADA — A structure erected over a mobile home for the purpose of providing shade or shelter.

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use. The term "recreational vehicle" does not include mobile homes. **[Amended 4-20-1992; 7-12-1993]**

RECREATIONAL VEHICLE PARKS — Facilities for recreational vehicles, pickup coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. **[Amended 7-12-1993]**

RESIDENT ENGINEER — The Resident Engineer for Appomattox County, Virginia, employed by Virginia Department of Transportation, or his designated agent.

RESIDENTIAL USE — A building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple-family dwellings, mobile homes, boarding or rooming houses, dormitories, fraternity or sorority houses or apartment hotels, but not including monasteries, convents, transient accommodations, such as hotels, motels, tourist cabins or recreational vehicle parks, or that part of a mixed building used for any nonresidential use, except accessory to residential uses. **[Amended 7-12-1993]**

RESTAURANT — Any building in which, for compensation, food or beverage are dispensed to persons not residing on the premises, including, among other establishments, cafes, delicatessens, refreshment stands or drive-in facilities.

RETAIL STORES AND SHOPS — Buildings for the display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following, which will serve as illustration only and are not to be considered exclusive: drugstore, newsstand, food store, candy shop, milk, dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop, and beauty shop.

RIGHT-OF-WAY — Access over or across particularly described property for a specific purpose or purposes.

RIGHT-OF-WAY LINE — The dividing line between a lot, tract or parcel of land and a contiguous street, railroad or public utility right-of-way.

RIGHT-OF-WAY, STATE-OWNED — The right-of-way owned outright by the Virginia Department of Transportation on which public roads are constructed and maintained.

ROOMING HOUSE — A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) unrelated persons, where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration.

SANITARY LANDFILL — A method of disposing of refuse or land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary, which are permitted by the appropriate agencies of the Commonwealth of Virginia and licensed and/or permitted by the County of Appomattox.

SAWMILL, PERMANENT — A sawmill permanently located for the purpose of processing timber from the property on which it is located, from adjoining property or from other properties removed from the sawmill or its environs without regard to point of origination.

SAWMILL, TEMPORARY — A sawmill located on private property for a period not to exceed six (6) months for the sole purpose of processing timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

SCHOOLS — Institutions providing full-time instruction and including support facilities, such as school system administrative offices, maintenance shops, storage warehouses, vehicle storage lots, athletic fields and playgrounds. Dancing schools, riding academies and the like shall not be included.

SETBACK LINE — A line parallel to a street and extending the full width of the lot for a specified distance at all points from the street right-of-way line, and thus defining an area on which no building or structures or portions thereof may be constructed.

SHOPPING CENTER — A group of commercial establishments, planned and developed as a unit, with common off-street parking provided on the property, located on a parcel of land ten (10) or more acres in size.

SHOPPING COMPLEX — Two (2) or more commercial establishments, planned and developed as a unit, with common off-street parking provided on the property, located on less than a ten-acre parcel of land.

SIGN — Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a

profession, a public business, a commodity or product, which are visible from any public way and used as an outdoor display.

SIGN AREA — A square, rectangle, triangle or circle, or combination thereof, encompassing the entire advertising area, excluding architectural trim and structural supports.

SIGN, COMMERCIAL — A sign informing or advertising products or activities for sale or profit.

SIGN, DIRECTIONAL — A sign indicating only the name and direction to a business, farm or activity.

SIGN, OFF-SITE — A sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge or ideas to the public about a subject not specific to the premises upon which it is located.

SIGN, ON-SITE — A sign relating to its subject matter on the premises on which it is located or to products, accommodations, services or activities on the premises. "On-site signs" do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SIGN, OUTDOOR ADVERTISING — A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge or ideas to the public about a subject related or unrelated to the premises upon which it is located.

SIGN, TEMPORARY — Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a period of not more than sixty (60) consecutive days.

STREET — A strip of land comprising the entire area within the right-of-way intended for possible use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes road, thoroughfare, parkway, avenue, lane, boulevard, expressway, highway, place, throughway, square, alley or however designated with the above-mentioned right-of-way.

STREET CENTER LINE — A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

STRUCTURE — Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

SUBSTANTIAL DAMAGE — As applicable to Article XIII, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. **[Added 4-20-1992; amended 7-12-1993]**

SUBSTANTIAL IMPROVEMENT — As applicable to Article XIII, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred

substantial damage, regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of State or Local Health, Sanitary or Safety Code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. **[Added 4-20-1992; amended 7-12-1993]**

THEATER, INDOOR — A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of displays, acts or dramas by actors and/or actresses.

THEATER, OUTDOOR — An area not to exceed five (5) acres containing a screen projection booth, refreshment stand, parking spaces and sound transmission devices to individual parking spaces only for the purpose of commercial exhibition of motion pictures.

TIMBER HARVESTING — The commercial cutting of timber.

TOURIST HOME — A dwelling where, for compensation, lodging and breakfast only are provided for up to ten (10) transient persons unrelated to the operator/owner, where no cooking or dining facilities are provided in individual rooms.

TOWNHOUSE — A residential unit in a series of from three (3) to twelve (12) single-family attached dwellings separated from one another by common vertical walls with no openings.

TOWNHOUSE LOT — A lot upon which a townhouse is or is to be erected.

TRUCK STOP — Any area of land, with adequate parking, maneuvering and access for at least three (3) combination tractor-trailer vehicles, that may provide for retail sale of diesel fuel and gasoline, restaurant facilities, sleeping quarters and minor repair facilities.

USE — The principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

VARIANCE — A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure when the strict application of the provisions of this chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the intended spirit and purpose of this chapter and would result in substantial injustice being done. It shall not include a change in use, which change shall be accomplished by rezoning or conditional zoning. **[Amended 7-12-1993]**

VETERINARY HOSPITAL — A structure or series of structures used for the treatment of diseases and injuries of animals by a veterinarian licensed by the Commonwealth of Virginia.

WAREHOUSE — An enclosed structure where materials are stored without manufacture or assembly. **[Added 7-12-1993]**

YARD — A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT — An open, unoccupied space on the same lot with the main structure, extending the full width of the lot and situated between the right-of-way line and the front line of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required front yard. On corner lots, the "front yard" shall be considered as parallel to the street upon which the lot has its least dimension. (See Figure 2.[7])

YARD, REAR — An open space on the same lot with the main structure, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main structure projected to the side lines of the lot. On all corner lots, the "rear yard" shall be at the opposite end of the front yard. (See Figure 2.[8])

YARD, SIDE — An open, unoccupied space on the same lot with a main structure, situated between the side line of the structure and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot, and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On the corner lots, the "side yard" shall be considered as parallel to the street upon which the lot has its greatest dimension. (See Figure 2.[9])

ZONING MAP — The Official Zoning District Map for Appomattox County.

## ARTICLE III
## Administration

### § 170-4. Zoning Administrator.

This chapter shall be administered by the Zoning Administrator in accordance with the provisions herein. The Zoning Administrator shall be appointed by and shall serve at the pleasure of the Board of Supervisors, which shall fix the compensation of the Zoning Administrator by resolution. One (1) person may serve as Zoning Administrator at the pleasure of the governing body.

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7 **Editor's Note: Figure 2 is included at the end of this chapter.**

8 **Editor's Note: Figure 2 is included at the end of this chapter.**

9 **Editor's Note: Figure 2 is included at the end of this chapter.**

## § 170-5. Powers and duties of Zoning Administrator.

The Zoning Administrator is authorized and empowered on behalf of and in the name of the governing body to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises and issuing zoning permits for uses and structures which are in conformance with the provisions of this chapter. The Zoning Administrator shall have all the necessary authority on behalf of the governing body to administer and enforce this chapter, including the ordering, in writing, of the remedying of any condition found in violation of this chapter and the bringing of legal action, including injunction, abatement or other appropriate action, to ensure compliance with this chapter. The Zoning Administrator does not have the authority to take final action on applications nor matters involving variances nor conditional uses on which final action is reserved to the governing body or the Board of Appeals.

## § 170-6. Zoning permits.

Zoning permits shall be issued in accordance with the following provisions and procedures:

A. Issuance and display. The Zoning Administrator shall issue a zoning permit in conjunction with a building permit, if necessary, for any permitted use or structural alteration, provided that the proposed use of land or structure or structural alteration is in conformance with the provisions set forth herein. The zoning permit shall indicate whether the use is a permitted use, a conditional use or a variance and shall be conspicuously posted and displayed on the premises during the period of construction. A zoning permit must be obtained from the Zoning Administrator prior to the issuance of a building permit by the Building Inspector.

B. Application procedure for permitted uses. Applications for a zoning permit shall be submitted to the Zoning Administrator according to the following provisions:

   (1) An application for a zoning permit for a permitted use shall be accompanied by site plan documentation as required under Article XVI herein.

   (2) If the documentation is in conformity with the provisions set forth herein and other appropriate codes and regulations of the governing body then in effect, the Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue a zoning permit. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records.

   (3) If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a zoning permit but shall return one (1) copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this chapter with which the submitted site plan does not comply. The Zoning Administrator shall retain (1) copy of the site plan and one (1) copy of the refusal.

C. Application procedures for conditional use permit. Applications for a zoning permit for conditional use shall be submitted to the Zoning Administrator who shall refer the application to the Board of Appeals or the governing body, depending on the nature of the conditional use, for a public hearing. Applications for zoning permits for a conditional use must be submitted in accordance with the following procedures:

(1) An application shall be accompanied by site plan documentation as required under Article XVI hereunder.

(2) The application shall be sent concurrently to the Commission and the Board of Appeals or the governing body. The Commission shall have sixty (60) days within which to review and submit a recommendation to the Board of Appeals or the governing body. The Commission shall hold a public hearing on the application for a conditional use in accordance with § 15.1-431, Code of Virginia 1950, as amended. If the Commission fails to submit a report within a sixty-day period, it shall be deemed to have approved the proposed conditional use.

(3) The Board of Appeals or governing body shall consider the proposed conditional use after notice and public hearing in accordance with § 15.1-431, Code of Virginia 1950, as amended, and shall take action on the proposed conditional use within sixty (60) days from the date of the public hearing.

(4) In addition to the specific requirements for conditional uses as specified in this chapter, the Board of Appeals or the governing body shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

(a) Will be harmonious with and in accordance with the general objectives or with any specific objective of the Appomattox Comprehensive Plan and/or this chapter.

(b) Will be designed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity; and that such use will not change the essential character of the same area.

(c) Will not be hazardous or disturbing to existing or future neighborhood uses.

(d) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(e) Will not create excessive additional requirements at public costs for public facilities and services; and will not be detrimental to the economic welfare of the community.

(f) Will not involve uses, activities, materials, equipment, processes and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water pollution.

(g) Will have vehicular approaches to the property which shall be so designed so as not to create any interference with traffic on surrounding public streets or roads.

(h) Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

(5) Conditions set forth above and in Article XVI for the various conditional uses are minimum. In approving a conditional use, the Board of Appeals or the governing body may stipulate such additional requirements as are necessary to the public interest. The Board of Appeals or the governing body may require the applicant to furnish a performance bond in an amount sufficient for and conditional upon the fulfilling of any and all conditions and requirements stipulated by the Board of Appeals or the governing body.

(6) If the Board of Appeals or the governing body approves the application for a zoning permit for a proposed conditional use, the Zoning Administrator shall issue a zoning permit in accordance with Subsection B herein, indicating the special nature of the use.

(7) If the Board of Appeals or the governing body disapproves the application for a zoning permit for a proposed conditional use, the governing body shall inform the applicant of the decision, in writing, within sixty (60) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and two (2) copies of the refusal and keep them as a public record.

(8) A property owner or his appointed agent shall not initiate action for a zoning permit relating to the same conditional use affecting the same parcel of land more often than once every twelve (12) months.

D. Expiration. Any zoning permit shall automatically expire six (6) months from the date of issuance if the person, firm or corporation to which the permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued or if the work so authorized is suspended or discontinued for a period of twelve (12) months.

## § 170-7. Certificate of zoning compliance and certificate of use or occupancy.

It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator or his appointed agent, stating that the proposed use of the building or land conforms to the requirements of this chapter in accordance with the approved zoning permit or variance. A certificate of use or occupancy, as required in Section 119 of the State Building Code, shall not be issued by the Building Inspector until a certificate of zoning compliance has been issued. For convenience and at the discretion of both the Zoning Administrator and the Building Inspector, the certificate of zoning compliance and certificate of use or occupancy may be combined as one (1) certificate.

## § 170-8. Proposals for zoning amendments. [Amended 7-12-1993]

The governing body may, from time to time, after examination, review and a public hearing thereon, amend, supplement or change the provisions herein or subsequently established. Proposals for zoning amendments, whether initiated by the governing body, the Commission or any person, firm or corporation, shall be treated in accordance with the following procedure:

A. An application must be submitted, in writing, to the Zoning Administrator and must be accompanied by two (2) copies of an acceptable site plan, where applicable, of the proposed amendment in accordance with Article XVI herein and with such other reasonable information shown thereon as shall be required by the Zoning Administrator. The Zoning Administrator shall submit said application concurrently to the Commission and the governing body.

B. The Commission shall consider the proposed amendment after notice and public hearing in accordance with § 15.1-493, Code of Virginia 1950, as amended. The Commission shall present its recommendations to the governing body. If the Commission fails to submit its recommendation to the governing body within ninety (90) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment.

C. The governing body shall consider the proposed amendment after notice and hearing in accordance with § 15.1-493, Code of Virginia 1950, as amended, and shall take action on the proposed amendment within ninety (90) days from the date of the public hearing.

D. Any petition for a zoning amendment may be withdrawn prior to action thereon by the governing body at the discretion of the person, firm or corporation initiating such a request, upon written notice to the Zoning Administrator.

E. A property owner or his appointed agent shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months.

### § 170-9. Requests for administrative review or variance.

Request for a hearing before the Board of Appeals for an administrative review or a variance shall observe the following procedure:

A. An appeal to the Board of Appeals may be taken by any person aggrieved or by any officer, department or governing body affected by any decision of the Zoning Administrator.

B. Applications for appeal shall be submitted within thirty (30) days of the aggrieved decision to the Zoning Administrator who shall refer the application to the Board of Appeals; such application shall specify the grounds for appeal.

C. The Zoning Administrator shall send the application to the Commission, which may send a recommendation to the Board of Appeals or appear as a party at the hearing.

D. An application shall be accompanied by an acceptable site plan in accordance with Article XVI herein and with such other reasonable information shown thereon as may be required by the Zoning Administrator.

E. Each application for an appeal shall be accompanied by payment of a fee in accordance with § 170-11 herein to help defray the cost of publicizing and conducting the public hearing.

F. The Board of Appeals shall fix a reasonable time for the hearing of appeals or other matters referred to said Board of Appeals; the Board of Appeals shall consider appeals

after notice and hearing as required by § 15.1-493, Code of Virginia 1950, as amended, and decide the same within ninety (90) days from the date of such public hearing. **[Amended 7-12-1993]**

G. An appeal shall stay all proceedings in furtherance of the action from which appealed unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Appeals or by a court of record, an application on notice to the Zoning Administrator and for good cause shown.

H. In exercising the powers granted the Board of Appeals in § 170-97C of this chapter, the Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determinations of the Zoning Administrator and, to that end, shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning permit.

I. A property owner or his appointed agent shall not initiate action for a hearing before the Board of Appeals relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board of Appeals.

J. Any petition for a hearing before the Board of Appeals may be withdrawn prior to action thereon by the Board of Appeals at the discretion of the person, firm or corporation initiating such a request, upon written notice to the Zoning Administrator.

## § 170-10. Conditional zoning.

A. Purpose of conditional zoning. The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the provisions herein are not adequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. In such instances, reasonable conditions voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned), when considered with existing zoning ordinance district regulations, should cause the requested rezoning to be compatible with existing zoning and uses in the area.

B. Approval of conditions as part of an amendment to the Zoning Map.

(1) The owner of the property which is the subject of a zoning amendment under § 170-8 herein shall, if he elects to obtain conditional zoning, voluntarily proffer, in writing, such conditions as he deems appropriate at the time of filing an application to rezone the property or by such later date as the Commission shall establish, but in any event before the Commission makes its recommendation to the governing body. The written conditions shall be part of the site plan of the property required under Article XVI herein.

(2) In the event that additions thereto or modifications thereof are desired by the owner of the property which is the subject of the proposed zoning amendment, the same shall

be made, in writing, no less than twenty-one (21) days prior to the time at which the Commission makes recommendations to the governing body unless the Commission:

(a) Specifically waives such time period; or

(b) Specifically establishes such greater or lesser time period as it deems reasonable.

(3) The governing body may consider additional proffers, deletions and/or amendments to all such conditions, provided that the same have been voluntarily proffered in writing by the owner of property which is the subject of the proposed zoning amendment prior to advertising the public hearing at which the governing body renders its decision thereon.

(4) If the conditional zoning is approved, the applicant must apply for a zoning permit as required under § 170-6 herein. The application for a zoning permit may be submitted concurrently with the conditional zoning application.

C. Permitted conditions as part of an amendment to the Zoning Map. The governing body may approve reasonable conditions to a zoning amendment, provided that the following criteria are met:

(1) The zoning amendment itself must give rise to the need for the condition.

(2) Such conditions shall have a reasonable relation to the zoning amendment.

(3) Such conditions shall not include a cash contribution to the county. **[Amended 7-12-1993]**

(4) Such conditions shall not require mandatory dedication of real or personal property for open space, parks, schools, fire stations or other public facilities not otherwise authorized by law.

(5) Such conditions shall not include payment for or construction of off-site improvements except those sewerage or drainage facilities otherwise authorized by law.

(6) No condition shall be proffered that is not related to the physical development or physical operation of the property.

(7) All such conditions shall be in conformity with the Appomattox Comprehensive Plan.

(8) The provisions of this chapter shall not be used for the purpose of discrimination in housing.

D. Records of conditional zoning.

(1) The Zoning Map shall show by an appropriate symbol the existence of conditions attached to the zoning.

(2) The Zoning Administrator shall maintain a conditional zoning index which shall be available in the office of the Zoning Administrator for public inspection during regular office hours. The index shall provide ready access to the action taken by the governing body creating such conditions in accordance with the provisions herein and shall clearly list all conditions applicable to each.

(3) Before any permits can be issued to begin construction or for the occupancy of an existing structure, the applicant shall file and record in the office of the Clerk of the Circuit Court of the county the conditions approved by the governing body. These conditions shall be indexed under the names of the landowners of the property being conditionally zoned. The applicant shall submit a notarized letter and certified copy of the recorded document to the Zoning Administrator and the Building Inspector certifying that the conditions have been recorded with the Clerk of the Circuit Court. **[Amended 7-12-1993]**

E. Enforcement and guaranties. In order to ensure the intent and purpose of conditional zoning approved in accordance with the provisions herein, the Zoning Administrator shall be vested with all necessary authority on behalf of the governing body to administer and enforce conditions attached to an amendment to the Zoning Map, including:

(1) Ordering, in writing, compliance with such conditions.

(2) Bringing of appropriate legal action or proceeding to ensure compliance.

(3) Requiring a guaranty or contract, or both, for construction of physical improvements approved as condition(s) of the zoning amendment.

(4) Denial of a zoning permit prior to the issuance of any occupancy or building permit.

(5) Making an annual report to the Commission and the governing body on the anniversary of such approval certifying compliance with such conditions.

F. Review of decision(s) by the Zoning Administrator. Any applicant who is aggrieved by a decision or action of the Zoning Administrator under Subsection E herein regarding enforcement or guaranties as provided for in such section above may petition the governing body for review of such decision(s). Such petition shall be filed with the Zoning Administrator who shall forward the petition and the justification for the decision(s) to the governing body and to the aggrieved person no less than ten (10) days prior to the next regularly scheduled meeting of the governing body. Written notice of such meeting shall be given to all parties as required by § 15.1-431, Code of Virginia 1950, as amended.

G. Amendments and variations of conditions.

(1) All amendments and/or variations of adopted conditions shall be made in accordance with provisions of § 170-8 herein and applicable law.

(2) After the governing body has taken official action either granting, denying or permitting withdrawal of a petition for any change in zoning involving zoning conditions or any change of zoning conditions, no other petition for substantially the same charge(s) shall again be considered in less than twelve (12) months from the date of such official action.

### § 170-11. Administrative fees.

In order to cover costs incurred by the governing body, the Commission, the Board of Appeals and the Zoning Administrator incidental to the review, hearing and reporting of the processing of applications for a zoning permit for a permitted use or a conditional use, a zoning

amendment, an administrative review, a variance and a site plan, the following fees shall be required to accompany appropriate applications:

A. Permitted use. No fee is required for a zoning permit for a permitted use, except as provided in Subsection C herein.

B. Conditional uses, zoning amendments, administrative reviews and variances. Applications for conditional use permits and zoning amendments for consideration by the governing body and applications for administrative reviews, variances and other appropriate applications for consideration by the Board of Appeals shall be accompanied by a sum of twenty-five dollars ($25.).

C. Site plans. An application for a zoning permit for a permitted use or conditional use, a zoning amendment, an administrative review or a variance, such application requiring a site plan, shall be accompanied by a base fee in the amount of ten dollars ($10.), plus two dollars and fifty cents ($2.50) per acre or fraction thereof for all acres over five (5) acres.

## ARTICLE IV
## Establishments of Districts; Map; Boundaries

### § 170-12. Enumeration of districts. [Amended 5-4-1993; 7-12-1993]

For the purpose of this chapter, the County of Appomattox is divided into districts as follows:

| | |
|---|---|
| A-1 | Agricultural District |
| R-1 | Residential District |
| R-2 | General Residential District |
| V-1 | Village Center District |
| B-1 | Commercial District |
| M-1 | Industrial District |
| H-1 | Historic District |
| FH | Flood Hazard District |

### § 170-13. Zoning Map.[10]

The map entitled the "Official Zoning District Map" for Appomattox County, Virginia, dated April 22, 1988, hereinafter called the "Official Zoning Map," with all notations and references, including dates of amendments and other information, shown thereon and the Official Flood Hazard District Maps adopted by the governing body shall hereby be made a part of this chapter. Said maps shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where the maps will be accessible to the general public during regular office hours.

[10] **Editor's Note: The Zoning Map is on file in the Appomattox County offices.**

### § 170-14. Zoning Map amendments.

A. If, in accordance with provisions of this chapter, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, changes shall be made by the Zoning Administrator within ten (10) days after the amendment has been approved by the governing body, together with a numerical entry on the Official Zoning Map referring to the application on file which states the date of the official action and a brief description of the nature of the changes. Amendments to this chapter which involve matters portrayed on the Official Zoning Map shall become effective immediately upon adoption by the governing body.

B. The Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current status of land and water areas, buildings and other structures in the county. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

### § 170-15. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions or base maps can be improved, the governing body may, by resolution, adopt a new Official Zoning Map or Maps which shall supersede the original Official Zoning Map or Maps. The new Official Map or Maps may correct drafting or other errors or omissions in the original Official Map or Maps, but no such changes or corrections shall have the effect of amending the original Official Zoning Map or Maps or any subsequent amendment thereof. Unless the original Official Zoning Map or Maps have been lost or totally destroyed, the prior map or maps or any significant part thereof remaining shall be preserved, together with all available records pertaining to the adoption or amendments.

### § 170-16. Rules for determining boundaries.

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

A. Unless otherwise indicated, the district boundaries are indicated as approximately following or being at right angles to property lines, land lot lines, center lines of streams, roads, streets, highways, alleys or railroads or shorelines of reservoirs or other bodies of water or civil boundaries, and they shall be construed to follow such lines.

B. Where district boundaries are indicated as approximately parallel to the center lines of streams, roads, streets, highways or railroads or rights-of-way of the same or the shorelines of reservoirs or other bodies of water or such lines extended, such district boundaries shall be construed as being parallel therefrom as indicated on the Official Zoning Map or Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map or Maps.

C. Where a district boundary line as appearing on the Official Zoning Map or Maps divides a lot which is in a single ownership at the time of this enactment, the use classification of the

larger portion may, on application, be extended to the remainder by the governing body in accordance with § 170-8 herein.

D. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

E. Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline to its reestablished center or channel.

F. If no distance, angle, curvature description or other means is given to determine the boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map or Maps. In case of subsequent dispute, the matter shall be referred to the Board of Appeals, which shall determine the boundary in accordance with § 170-97C(4) of this chapter.

G. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Appeals shall, upon application, determine the location of the boundary in accordance with § 170-8 herein.

## ARTICLE V
## General Regulations

### § 170-17. Applicability.

The regulations established herein shall be minimum regulations and shall be uniformly applied to each class of structure or land, except as hereinafter provided.

### § 170-18. Uses.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

A. Permitted uses. A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted and in accordance with other regulations herein, a zoning permit will be issued by the Zoning Administrator, without any hearing thereon, in accordance with § 170-6B herein.

B. Conditional uses. A conditional use is one which may be allowed when either the governing body or the Board of Appeals, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the governing body and the public interest. When the use is a conditional use, a zoning permit will be issued by the Zoning Administrator, in accordance with § 170-6C herein, after such conditional use has been approved by either the Board of Appeals or the governing body as provided herein.

### § 170-19. Building height and density.

No building shall hereafter be erected, constructed or altered so as to exceed the height limit, to accommodate or house a greater number of families or to occupy a greater percentage of the lot area than is required or specified in the regulations herein for the district in which it is located.

### § 170-20. Lots and yards.

A. No new lot or yard shall hereinafter be created nor shall any lot or yard existing at the time of enactment of this chapter be altered nor shall any building or structure, whether new or existing, be moved so that the lot width, depth or area requirements, front, side or rear yard requirements or inner or outer court requirements or other requirements of this chapter are not maintained, except when a portion or a lot is acquired for public use.

B. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues and eaves, provided that such projections shall not extend into the required yard areas for a distance exceeding two (2) feet.

### § 170-21. Uses exempt from zoning permit.

A. Incidental agriculture is permitted in any district that allows residential uses, provided that such agricultural use shall not occupy over five (5) acres and shall not be objectionable by reason of odor, dust, noise, pollution and erosion or drainage.

B. Within districts where agriculture is permitted by right, such agricultural uses shall not require a zoning permit, except as otherwise provided herein.

C. Yard sales and garage sales by the resident owner and bazaars, flea markets and sales conducted by nonprofit organizations shall be exempt from zoning permit requirements, provided that such sales are limited to forty-eight (48) hours per sale and no more than one (1) such sale per month.

D. Within districts where agriculture or commercial activity is permitted by right, wayside stands for the sale of agricultural products shall not require a zoning permit.

E. Home occupations in an accessory building to the main dwelling unit, as provided in § 170-85 herein, and located on five (5) or more acres and incidental to an agricultural use only shall not require a zoning permit.

F. Feed lots, provided that they are located more than one thousand (1,000) feet from a Residential or Village Center District boundary line, shall not require a zoning permit. **[Amended 7-12-1993]**

### § 170-22. Effect on permits issued prior to adoption of chapter.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which any permit was granted prior to the effective date of this chapter. However, if such construction does not commence within thirty (30) days after this chapter becomes effective or if construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

### § 170-23. Additional dwelling on single lot.

Two (2) additional single-family dwellings may be permitted on the same lot or parcel of land as that of the main dwelling, upon application to and approval by the Zoning Administrator, provided that:

A. The main dwelling is located either in an R-2 General Residential District or an A-1 Agricultural District.

B. Each additional dwelling conforms to the minimum lot area, minimum lot width, maximum lot coverage and yard requirements for such a dwelling as set forth in Article XIV herein.

C. The arrangement of such additional dwellings are in such a manner that if the lot or parcel of land is ever divided, no substandard lots or nonconforming buildings are created.

D. Each additional dwelling has access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

### § 170-24. Access through another zoning district.

Private access to a parcel of land used appropriately in a zoning district as provided herein shall be prohibited through another zoning district unless such private access is approved by the Board of Appeals in accordance with § 170-9 herein.

### § 170-25. Application for use not delineated in this chapter.

If in any district established hereunder a use is not specifically permitted by right or special exception in this chapter, a property owner or his appointed agent may submit an application for a zoning permit provided by § 170-6C herein. If the use as applied for is approved by the governing body, this chapter shall be automatically amended to include the use as a conditional use in the district so located, provided that the requirements of § 170-8 herein are met.

### § 170-26. Dwelling units allowed at enactment of chapter.

Any occupied dwelling unit or any unoccupied dwelling unit that has not been vacant for more than two (2) years in existence at the time of the adoption of this chapter shall be a conditional use in all zoning districts established herein unless otherwise specified as a permitted use. In the

**§170-23 Second dwelling on lot.**

One (1) additional structure may be permitted as a single-family dwelling on the same lot or parcel of land as that of the main dwelling provided that the following requirements are met.

A. Zoning districts where permitted.
   1. R-2 General Residential District
   2. A-1 Agricultural District, subject to the following requirements:
      (a) The second dwelling must be for the use of a family member as a primary dwelling. Family members include: parents, grandparents, great-grandparents, siblings, aunts, uncles, great-aunts, great-uncles, stepparents or stepchildren, and any of the above relatives by marriage ("in-laws").
      (b) Second dwellings that are no longer occupied by family members of the property owner must be removed from the property immediately, or the property must be subdivided so that each dwelling exists on its own platted lot in compliance with all zoning and subdivision requirements.
      (c) A statement of nonobjection must be provided signed by all adjacent property owners and/or residents.

B. Lot requirements.
   1. Legal conforming lots for second dwellings must contain sufficient lot area, lot width, lot coverage, and must meet minimum yard requirements so that if the lot is ever divided into two lots, no nonconforming lot or building is created.
   2. The zoning administrator may require additional setbacks in order to ensure that the second dwelling is sited to make subdivision of the lot possible.
   3. Each second dwelling must have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

C. Well and septic systems. Applicants for second dwellings must receive health department approval for a well and septic system prior to receiving zoning approval. Each dwelling on a lot must be served by individual well and septic systems. Wells may be shared by the two dwellings with health department approval.

D. Prohibitions on third dwellings. Three or more dwellings on a single lot are not permitted in Appomattox County in any zoning district. An exception to this subsection are multi-family dwellings as provided in the R-2 district and §170-88.

E. Changes in use.

   1. A structure permitted for a use other than residential use may be changed to a residential use as a second dwelling in the R-2 and A-1 districts, provided that the structure meets the requirements of the Virginia Uniform Statewide Building Code for that use. In the case of parcels zoned A-1, such structures are exempt from the requirements of §170-23(A)(2).

2. A structure permitted for residential use may be changed to an accessory use in the R-2 and A-1 districts, provided that the structure meets the requirements of the Virginia Uniform Statewide Building Code for that use. Dwelling uses in a structure permitted for accessory use are strictly prohibited.

F. Guest houses. A second dwelling may be used as a guest house for relatives and persons unrelated to the property owner so long as all other requirements provided in this section are met. The term "guest house" means a structure that provides temporary accommodations for visitors to the main dwelling, and shall not be construed to mean a primary or secondary residence for persons related or not related to the property owner.

As amended by Board of Supervisors December 17, 2001.

## CHANGE SECTION 170-23 TO READ AS FOLLOWS:

One (1) additional single–family dwelling may be permitted on the same lot or parcel of land as that of the main dwelling, upon application and approval as a Conditional Use per 170-6C herein, provided that:

A. The main dwelling is located on R-2 General Residential District.
B. The additional dwelling conforms to the minimum lot area, minimum lot width, and maximum lot coverage and yard requirements for such a dwelling as set forth in Article XIV herein.
C. The arrangement of such additional dwelling is in such a manner that if the lot or parcel of land is ever divided, no substandard lot or nonconforming building is created.
D. The additional dwelling has access to a public street by means of a passageway to open to the sky at least fifteen (15) feet in width.

Vote: Mr. Bosiger, aye; Mr. Carter, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Torrence, aye.

ADOPTED DECEMBER 7, 1998.

event that said dwelling units are vacant for more than two (2) years after the enactment of this chapter, § 170-27 herein shall apply.

### § 170-27. Nonconforming lots, buildings and uses.

As provided in § 15.1-492, Code of Virginia 1950, as amended, nothing in this chapter shall be construed to impair any vested right, except that this chapter recognizes that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this chapter is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is, therefore, the intent of this chapter to permit these nonconformities to continue but not to encourage their survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district. Therefore, any structure or use of land existing at the time of the enactment of this chapter and amendment thereto but not in conformity with its regulations and provisions may be continued subject to the following provisions:

A. Lots of record. Where a lot of record at the time of enactment of this chapter does not contain land of sufficient area or width to permit conformity with dimensional requirements of this chapter, the following provisions shall apply:

   (1) When two (2) or more adjoining vacant lots with continuous frontage are in single ownership at the time of the enactment of this chapter or amendments thereto and each of such lots has width or lot area less than is required by the district in which it is located, such lot shall be platted and reparceled so as to create one (1) or more lots which conform to the minimum lot width and area requirements to the district.

   (2) Where a single nonconforming lot of record at the time of enactment or amendment of this chapter is not of continuous frontage with other lots in the same ownership, such lot may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through an appeal to the Board of Appeals, as outlined in § 170-9 herein.

B. Nonconforming structures. Where a lawful structure exists at the time of enactment or amendment of this chapter that could not be built in the district in which it is located by reasons of restrictions on areas, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

   (1) Any structure or portion thereof declared unsafe by the Building Inspector or destroyed by any means may be restored to a safe condition, provided that the requirements of this section are met and the ownership remains the same as before such declaration or destruction.

   (2) A nonconforming structure may be enlarged or altered as necessary, provided that such enlargement(s) or alteration(s) do not exceed a cumulative fifty percent (50%) of the floor area of the original nonconforming structure, and provided that all yard and other appropriate requirements herein are met, any structure or portion thereof may be

altered to decrease its nonconformity. Off-street parking requirements, as provided for in § 170-28 herein, however, shall be increased only for the amount required for any such enlargement(s) or alteration(s), even though the total off-street parking may not meet the minimum requirements.

(3) Notwithstanding the provisions of Subsection B(2) above, whenever repairs on or installation of plumbing facilities in residential structures are required by law or administrative action of the Health Department or the Building Inspector, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirement of this chapter. Where an existing residential structure exceeds these requirements, said addition shall extend no nearer the lot line than the existing building line.

(4) Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.

C. Nonconforming uses of land. Where a lawful use of land exists at the time of enactment or amendment of this chapter that would not be permitted by the regulations imposed herein, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) A nonconforming use may be enlarged or increased or extended to occupy a greater area not exceeding fifty percent (50%) of the area that was occupied at the time of enactment of or amendment to this chapter. Nonconforming public use facilities which have received an operations permit from a state agency may be enlarged, increased or extended to occupy a greater area not exceeding the area for which such facility was permitted by such state agency at the time of enactment of or amendment to this chapter. **[Amended 5-4-1993]**

(2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment of or amendment to this chapter.

(3) In the event that such use ceases for any reason for a period of more than twenty-four (24) months, any subsequent use shall conform to all requirements of this chapter for the district in which the land is located.

D. Nonconforming uses of structures. Where a lawful use of individual structures or of structures of premises in combination exists at the time of enactment of or amendment to this chapter that would not be permitted in the district in which it is located under the requirements of this chapter, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) A structure existing at the time of enactment of or amendment to this chapter devoted to a nonconforming use may be enlarged, extended or structurally altered, provided that such enlargement, extension or alteration shall not exceed fifty percent in the aggregate of the floor area of the original (50%) structure devoted to a nonconforming use, and provided that all yard and other appropriate requirements herein are met. The provision shall not apply to the changing of the use of a structure to a conforming use.

(2) A nonconforming use of a structure may be extended to include use of the entire structure or any enlargement, extension or alteration thereof provided herein but shall not be extended to include either additional structures or land outside the structure.

(3) When a nonconforming use of a structure and premises in combination is discontinued or abandoned for twenty-four (24) consecutive months, except when government action impedes access to the premises or when a nonconforming use is superseded by a permitted use, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(4) Where a structure used in combination with its premises for a use not in conformity with the regulations herein is destroyed by any means, the use of land shall be allowed to continue after reconstruction of the structure, provided that such reconstruction of the structure adheres to the yard and other appropriate requirements of the district in which said structure is located as approved by the Board of Appeals in accordance with § 170-9 herein, and provided that the ownership of said structure remains the same as before such destruction.

E. Widening highways and streets. Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation or the governing body, for the widening of streets or highways, the Commission may recommend additional front yard setbacks for any new construction or for any structure altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

## § 170-28. Off-street parking.

Off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this chapter.

A. General requirements. For the purpose of this chapter, the following general requirements are specified:

(1) The term "off-street parking space" shall mean a space at least ten (10) feet wide and twenty (20) feet in length for each vehicle, excluding area for egress and ingress and maneuvering vehicles.

(2) Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served, where feasible.

(3) If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, the governing body may permit such space to be provided on other off-street property, provided that such space lies within six hundred (600) feet of the property line of such main use. Such vehicle space shall be associated with the permitted use and not thereafter be reduced or encroached upon in any manner and is so designated on the zoning permit.

(4) The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to one use may not be assigned to another use at the same time. For example, a portion of the parking space

required for existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(5) Area reserved for off-street parking in accordance with the requirements of this chapter shall not be reduced in the area, encroached upon or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the governing body.

(6) Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

B. Site requirements. All off-street parking shall be laid out, constructed and maintained in accordance with the following requirements:

(1) All such parking areas, except those serving one- and two-family dwellings shall be surface treated or paved to eliminate dust.

(2) Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.

(3) The parking lot shall be adequately drained.

(4) Access to off-street parking facilities from public streets shall meet the requirements of § 33.1-198, Code of Virginia 1950, as amended, and the minimum Standards of Entrances to State Highways and be approved by the Resident Engineer.

C. **[Amended 7-12-1993]** Parking space for all districts. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific land use set forth below:

| **Use** | **Required Spaces** |
|---|---|
| Dwellings | |
| 1- and 2-family | 2 for each dwelling unit |
| Multifamily | 2 per dwelling unit except for efficiency apartments for which 1 per dwelling unit shall be provided |
| Hotels and motels | 1 for each bedroom, plus 1 additional for each 2 employees |
| Mobile home parks | 2 per mobile home |
| Recreational vehicle parks | 1 for each travel trailer, motor home or camper |
| Boarding and rooming houses and dormitories | 1 for each bedroom |

| Use | Required Spaces |
|---|---|
| Public assembly | |
| Churches and other places of worship | 1 for each four 4 seats in the main auditorium or sanctuary |
| Private clubs, lodges and fraternal or sororal building and accommodations | 1 for each 5 members |
| Theaters, auditoriums, coliseums and similar places of assembly | 1 for each 4 seats in the main assembly area |
| Libraries and museums | 1 for each 500 square feet of gross floor area |
| Schools, including kindergartens, play schools and day-care centers | 1 for each 4 seats in assembly halls or 1 for each employee, including teachers and administrators, whichever is greater, plus 5 per classroom for high school and colleges |
| Skating rinks, dance halls, exhibition halls, poolrooms and other places of amusement or assembly without fixed seating arrangements | 1 for each 200 square feet of floor area |
| Bowling alleys | 4 for each alley |
| Health facilities | |
| Hospitals, homes for adults and similar uses | 1 for each 4 beds, plus 1 for each staff or visiting doctor, plus 1 for each additional 4 employees on the maximum working shift |
| Kennels and animal hospitals | A net parking area equal to 30% of the total enclosed or covered area |
| Medical, dental and health offices clinics | 1 for each 200 square feet of floor area used for offices and similar purposes |
| Mortuaries and funeral parlors | 5 per parlor or chapel unit or 1 for each 4 seats, whichever is greater |

| Use | Required Spaces |
|---|---|
| Businesses | |
| Automobile repair establishments | 1 for each regular employee, plus 1 for each 250 square feet of floor area |
| Food stores | 1 for each 200 square feet of floor area designated for retail sales only |
| Restaurants, including bars, cafes, taverns, nightclubs, lunch counters and all similar dining and/or drinking establishments | 1 for each 4 seats provided for patron use, plus 1 for each 75 square feet of floor area provided for patron use but not containing seats |
| Office buildings, including banks, businesses, commercial and professional offices and buildings, but not including medical, dental and health offices and clinics | 1 for each 300 square feet of ground floor area, plus 1 for each 500 square feet of upper floor space |
| General business, commercial or personal service establishments catering to the retail trade but excluding food stores | 1 for each 200 square feet of floor area designated for retail sales only |
| Governmental offices | 1 for each 300 square feet of ground floor area, plus 1 for each 500 square feet of upper floor area and 1 for each governmental vehicle |
| Shopping centers | 10 for each 1,000 square feet of floor area designated for retail sales only for centers up to 15 acres in size and 8 spaces for each 1,000 square feet of floor area designated for retail sales only for centers of 15 or more acres in size |

| Use | Required Spaces |
|---|---|
| Furniture stores | 1 for each 1,000 square feet of gross or more acres in size |
| Public utilities, such as telephone exchanges and substations, radio and television stations, electric power and gas substations | A parking area equal to 25% of the gross floor area |
| Industries | |
| Commercial, manufacturing and industrial establishments not catering to the retail trade | 1 for each 3 employee on the maximum working shift, plus 1 for each company vehicle operating from the premises |
| Wholesale establishments | 1 for every 50 square feet of customer service area, plus 2 for each 3 employees on the maximum working shift, plus 1 for each company vehicle operating from the premises |
| Other uses | |

For uses which are not covered above or in Article XV of this chapter, minimum parking requirements shall be determined by the Zoning Administrator.

### § 170-29. Off-street loading and unloading.

Off-street loading and unloading spaces shall be provided as hereinafter required by this chapter.

A. Size of off-street loading spaces. Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width and fifty (50) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Zoning Administrator may reduce the minimum length accordingly to as little as twenty-five (25) feet.

B. Connection to street or alley. Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks and which shall meet the requirements of § 33.1-198, Code of Virginia 1950, as amended, and the minimum Standards of Entrances to State Highways and shall be approved by the Resident Engineer.

C. Floor area over ten thousand (10,000) square feet. There shall be provided for each hospital, hotel, commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet at least (1) off-street loading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

D. Floor area less than ten thousand (10,000) square feet. There shall be provided for each hospital, hotel, commercial or industrial building requiring receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

E. Bus and truck terminals. There shall be provided sufficient space to accommodate the minimum number of buses or trucks to be stored or to be loaded at the terminal at any one (1) time.

F. Location of off-street loading spaces. All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot when shared with the use occupying an adjacent lot.

G. Permanent reservation. Areas reserved for off-street loading in accordance with the requirements of this chapter shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is provided and is approved by the Zoning Administrator.

### § 170-30. Vision clearance at intersections.

No fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of two and one-half (2½) and ten (10) feet from the ground level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroad lines or of a street intersection with a railroad line.

### § 170-31. Minimum distance between buildings.

The following minimum distance between the main buildings located on the same lot or parcel shall be required unless otherwise specified within this chapter or the local Building Code:

A. Front to front arrangement: forty (40) feet.

B. Front to rear arrangement: 50 feet.

C. Rear to rear arrangement: 30 feet.

D. Side to side arrangement: 20 feet.

E. All other combinations: 20 feet.

ARTICLE VI
**Agricultural District A-1**

## § 170-32. Intent.

Generally this district covers portions of Appomattox County which are occupied by various open uses such as farms, forests or lakes. This district is established for the specific purpose of protecting existing and future farming operations, conservation of water and natural resources, reducing soil erosion, protection of watersheds and reducing hazards from flood, fire and traffic. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district.

## § 170-33. Permitted uses.

A. Permitted uses within the Agricultural District A-1 are as follows:

(1) Accessory uses and structures as provided in § 170-82 herein.

(2) Cemeteries.

(3) Churches.

(4) Commercial plant nurseries and greenhouse, wholesale.

(5) Dwellings, single-family.

(6) Fish hatcheries.

(7) Forestry operations, including necessary temporary buildings and uses incidental thereto (not including sawmills).

(8) Garages, private.

(9) General farming, agriculture, dairying, forestry and the necessary structures for the same, provided that no structure containing poultry or livestock, excluding fifty (50) or more swine, shall be located within two hundred (200) feet of a property line and that no storage of manure or odor- , dust- or fly-producing substance or use shall be located within five hundred (500) feet of an existing residence. **[Amended 7-12-1993]**

(10) Home occupations within a dwelling unit as provided in § 170-85 herein.

(11) Horse show grounds.

(12) Hunting and boating clubs, including small boat docks with repair.

(13) Mobile homes as provided in § 170-86A and B herein.

(14) Manufactured homes. **[Added 7-12-1993]**

(15) Packing and distribution plants for agricultural and horticultural products, provided that such plants are incidental to agricultural operations on the property on which such plants are located.

(16) Playgrounds.

(17) Processing and sale of agricultural products at either wholesale or retail.

(18) Public or private preserves, parks and conservation areas.[11]

(19) Riding academy or livery stables.

(20) Signs as provided in § 170-87 herein.

(21) Temporary sawmills, provided that no operation related to the sawmill shall be located within one thousand (1,000) feet of the property line of a residence, church, school or other place of assembly.

(22) Temporary uses, including but not limited to the sale of Christmas trees, tents for revivals and carnivals, but such use not permitted for a period to exceed four (4) months in any calendar year.

(23) Timber harvesting.

(24) Veterinary clinics and animal hospitals.

(25) Feed lots subject to the provisions of § 170-34A(9). **[Added 7-12-1993]**

## § 170-34. Conditional uses.

A. When, after review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and in the public interest, the following uses may be permitted with a conditional use permit:

(1) Airports.

(2) Antique and gift shops.

(3) Clubs, private.

(4) Commercial warehouses for bulk agricultural products.

(5) Country clubs, community centers, swimming and tennis clubs and golf courses.

(6) Custom butchering, provided that the operation does not exceed three (3) employees and does not in any way detract from adjacent agricultural/commercial uses while excluding clearly large-scale industrial/commercial uses.

(7) Dwellings, two-family.

(8) Farm machinery displays, sales and services.

(9) Feed lots when located within one thousand (1,000) feet of a residence, but in no case shall a feed lot be located within five hundred (500) feet of a Residential District and Village Center District boundary line or two hundred (200) feet from the property line, excluding swine feed lot operations involving more than fifty (50) swine.

(10) General convenience stores.

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11 **Editor's Note: Former Subsection 18, which listed public utilities and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(11) Homes for adults.

(12) Homes for aged.

(13) Home occupations in an accessory building to the main dwelling unit as provided in § 170-85 herein.

(14) Hospitals.

(15) Kennels.

(16) Livestock sales and/or auction markets.

(17) Mobile home and recreational vehicle parks as provided in § 170-86C and D herein. **[Amended 7-12-1993]**

(18) Nursing homes.

(19) Public amusements for charity, temporary.

(20) Public buildings.

(21) Radio and television transmission towers, provided that the tower is so located that its minimum distance from any lot line shall equal the maximum height of the tower above ground level.

(22) Radio and television transmitters.

(23) Sawmills and planing mills of a permanent nature used for removing and processing timber on the adjacent areas, provided that no mill shall be located closer than two hundred (200) feet from any property line or public highway.

(24) Schools, private.

(25) Single-family dwellings and a retail sales and/or service store within the same building, provided that the single-family dwelling unit occupies fifty percent (50%) or more of the structure.

(26) Summer camps.

(27) Doctors offices.

(28) Small machine repair services.

(29) Public utilities. **[Added 7-12-1993]**

(30) Swine feed lot operations involving more than fifty (50) swine [see § 170-82B(2)] with an approved manure management plan, a five-hundred-foot setback from the property line and a two-thousand-foot setback from residences other than that of the owner of the operation. **[Added 7-12-1993]**

(31) Group homes. **[Added 7-12-1993]**

(32) Shooting or hunting preserves. **[Added 7-12-1993]**

ARTICLE VII
**Residential District R-1**

## § 170-35. Intent.

This district is composed of certain low concentrations of residential uses plus certain open areas where similar development is expected to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to prohibit commercial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odor, smoke and other obnoxious influences.

## § 170-36. Permitted uses.

A. Within Residential District R-1, the following uses are permitted:

(1) Accessory uses and structures, provided that the requirements of § 170-82 are met.

(2) Dwellings, single-family.

(3) Garages, private.

(4) Parks and playgrounds, provided that recreational facilities shall not be less than two hundred forty (240) feet from any residential lot line.

(5) Public utilities.

(6) Schools.

(7) Signs as provided in § 170-87 herein.

(8) Mobile homes, provided that the mobile home is used to house the elderly [over sixty-five (65) years of age] or infirmed family member(s) and a statement of nonobjection is provided signed by adjoining property owners and/or residents. **[Added 12-9-1991]**

## § 170-37. Conditional uses.

A. When, after review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and are in the public interest, the following uses are permitted:

(1) Cemeteries.

(2) Churches.

(3) Home occupations, provided that the requirements of § 170-85 are met.

(4) Public buildings and uses.

(5) Swimming pools, neighborhood.

(6) Livestock, provided that no structure housing livestock is located within two hundred feet of the property line and no storage of manure or odor- , dust- or fly-producing substance or use is located within five hundred (500) feet of an existing residence. **[Added 7-12-1993]**

(7) Owner-occupied rental units with a common entrance, limited to two (2) units. **[Added 7-12-1993]**

## ARTICLE VIII
## General Residential District R-2

### § 170-38. Intent.

This district is composed of medium-density residential areas plus certain open areas where similar development is expected to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of the land uses, a suitable environment for family life and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against the encroachment of general commercial and industrial uses.

### § 170-39. Permitted uses.

A. In General Residential District R-2, the following uses are permitted:

(1) Accessory uses and structures, provided that the requirements of § 170-82 are met.

(2) Churches.

(3) Dwellings, single-family.

(4) Dwellings, two-family.

(5) Home occupations within a dwelling unit as provided in § 170-85 herein. **[Amended 7-12-1993]**

(6) Parks and playgrounds.[12]

(7) Schools.

(8) Signs as provided in § 170-87.

(9) Garages, private. **[Amended 7-12-1993]**

(10) Mobile homes as provided in § 170-86A and B. **[Added 7-12-1993]**

(11) Manufactured homes. **[Added 7-12-1993]**

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12 **Editor's Note: Former Subsection 7, which listed public utilities and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

**§ 170-40. Conditional uses.**

A. When, after review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and in the public interest, the following uses may be permitted;

(1) Clubs, private.

(2) Day-care centers.

(3) Day-care centers for adults.

(4) Dwellings, multifamily, with an aggregate of three (3) or more units and as provided in § 170-88.

(5) Homes for adults.

(6) Homes for the aged.

(7) Hospitals.[13]

(8) Nursing homes.

(9) Professional office buildings.

(10) Public buildings and uses.

(11) Rooming and boarding houses.

(12) Signs as provided in § 170-87.

(13) Swimming pools, neighborhood.

(14) Tourist homes.

(15) Banks and savings and loan and other financial institutions.

(16) Funeral homes.

(17) Livestock, provided that no structure housing livestock is located within two hundred feet of the property line and no storage of manure or odor- , dust- or fly-producing substance or use is located within five hundred (500) feet of an existing residence. **[Added 7-12-1993]**

(18) Group homes. **[Added 7-12-1993]**

(19) Public utilities. **[Added 7-12-1993]**

(20) Home occupations in accessory buildings. **[Added 7-12-1993]**

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[13] **Editor's Note: Former Subsection 8, which listed mobile homes and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

ARTICLE IX
**Village Center District V-1**

## § 170-41. Intent.

This district is designed to allow minimum concentrations of commercial activity and residential-type development within a large agricultural or forested area. As an adjunct to the Agricultural District A-1 and Residential District R-1, it is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. To this end, retail activity is generally limited to neighborhood convenience sales and services and tourist-oriented specialties, thereby protecting against encroachment of general commercial or other similar uses likely to generate noise, light, odors, smoke or other obnoxious influences.

## § 170-42. Permitted uses.

A. Within the Village Center District V-1, the following uses are permitted:

(1) Accessory uses and structures, provided that the requirements in § 170-82 are met.

(2) Agriculture, provided that the requirements of § 170-82 are fulfilled and no storage of manure or odor- or dust-producing substances shall be located within the district. **[Amended 7-12-1993]**

(3) Churches.

(4) Dwellings, single-family.

(5) Dwellings, two-family.

(6) Garages, private.

(7) General convenience stores.

(8) Home occupations within a dwelling unit as provided in § 170-85 herein.

(9) Public parks and playgrounds, provided that recreational facilities shall not be less than two hundred and forty (240) feet from any residential lot line.[14]

(10) Signs as provided in § 170-87 herein.

(11) Temporary uses, including but not limited to the sale of Christmas trees, tents for revivals and carnivals, but such use not permitted for a period to exceed one (1) month in any calendar year.

(12) Mobile homes, provided that the mobile home is used to house the elderly [over sixty-five (65) years of age] or infirmed family member(s) and a statement of nonobjection is provided signed by adjoining property owners and/or residents. **[Added 12-9-1991]**

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[14] **Editor's Note: Former Subsection 10, which listed public utilities and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

**§ 170-43. Conditional uses.**

A. When, after a review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and in the public interests, the following uses may be permitted:

(1) Antique and gift shops.

(2) Automobile service stations as provided in § 170-83 herein.

(3) Banks and savings and loan and other financial institutions.

(4) Barber and beauty shops.

(5) Cemeteries.

(6) Clubs, private.

(7) Community centers.

(8) Day-care centers.

(9) Day-care centers for adults.

(10) Drugstores and other establishments for the filling of prescriptions and the retail sale of pharmaceutical and similar supplies.

(11) Dwellings, single-family, and a retail sales and/or services store within the same main building, provided that the single-family dwelling unit occupies fifty percent (50%) or more of the structure.

(12) Emergency services.

(13) Establishments for receiving and distributing articles for laundering, drying and dry cleaning.

(14) Farm machinery displays, sales and services.

(15) Feed and seed stores.

(16) Hardware stores.

(17) Home occupations in an accessory building to the main dwelling unit as provided in § 170-85 herein.

(18) Mobile homes as provided in § 170-86 herein.

(19) Professional office buildings.

(20) Restaurants.

(21) Schools.

(22) Shopping complexes.

(23) Signs as provided in § 170-87 herein.

(24) Livestock, provided that no structure housing livestock is located within two hundred feet of the property line and no storage of manure or odor- , dust- or fly-producing

substance or use is located within five hundred (500) feet of an existing residence. **[Added 7-12-1993]**

(25) Public utilities. **[Added 7-12-1993]**

(26) Group homes. **[Added 7-12-1993]**

### § 170-44. Site plan.

Before a building and zoning permit shall be issued for any use in the Village Center District V-1 other than residential or agricultural, a site plan of the proposed development shall be approved by the Commission or the Zoning Administrator, whichever is applicable, in conformance with § 170-6 and Article XVI herein.

## ARTICLE X
## Commercial District B-1

### § 170-45. Intent.

Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access but which is not characterized either by constant heavy trucking, other than stocking and delivery of retail goods, or by limited nuisance factors, including incidental light and noise of congregation of people and passenger vehicles.

### § 170-46. Permitted uses.

A. Within the Commercial District B-1, the following uses are permitted:

(1) Accessory buildings and uses, provided that the requirements in § 170-82 are met.

(2) Banks and savings and loan and other financial institutions.

(3) Clinics and medical offices.

(4) Clubs, private.

(5) Drugstores and other establishment for the filling of prescriptions and the sale of pharmaceuticals and similar supplies.

(6) Florist shops.

(7) Food stores.

(8) Garages, private.

(9) General convenience stores.

(10) Hardware stores.

(11) Newsstands.

(12) Professional office buildings.[15]

(13) Public buildings and uses.

(14) Restaurants and taverns.

(15) Retail sales stores and shops, such as but not limited to antiques, art galleries and art supplies, framing, books, hobby, gift and handicraft, jewelry, furniture and home appliances, photo studios and camera supplies and wearing apparel.

(16) Retail services, such as but not limited to bakeries, barbershops, beauty parlors, shoe shops, self-service laundries and establishments for receiving and distributing articles for laundering, drying and dry cleaning.

(17) Signs as provided in § 170-87 herein.

(18) Radio and television offices and studios, including towers. **[Added 7-12-1993]**

## § 170-47. Conditional uses.

A. When, after the review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and in the public interest, the following uses may be permitted:

(1) Auto parts and accessories.

(2) Auto service stations as provided in § 170-83 herein.

(3) Building material dealers.

(4) Churches.

(5) Day-care centers.

(6) Day-care centers for adults.

(7) Dwellings, single-family, and a retail store and/or services store within the same main structure, provided that the single-family dwelling unit occupies fifty percent (50%) or less of the structure.

(8) Emergency services.

(9) Garages, public.

(10) Motels, motor hotels and motor inns.

(11) Museums.

(12) Public amusements activities, including but not limited to billiard parlors and poolrooms, bowling alleys and dance halls, with the governing body having the right to establish such special requirements and regulations for the protection of adjacent

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[15] **Editor's Note: Former Subsection 13, which listed public utilities and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

property, to set the hours of operation and to make requirements as it may deem necessary in the public interest.

(13) Retail nurseries and greenhouses.

(14) Shopping centers, subject to restrictions of § 170-89 herein.

(15) Shopping complexes.

(16) Signs as provided in § 170-87 herein.

(17) Sports equipment and bicycle, motorcycle and trail bike stores, provided that any repair services are confined within the enclosed main structure.

(18) Temporary uses, including but not limited to the sale of Christmas trees, tents for carnivals and revivals, but such use not permitted for a period not to exceed one (1) month in any calendar year.

(19) Automobile laundries or car washes, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process.

(20) Catering establishments.

(21) Dry-cleaning plants.

(22) Farm machinery displays, sales and services.

(23) Funeral homes.[16]

(24) Libraries.

(25) Printing plants and newspaper offices.[17]

(26) Theaters, indoor.

(27) Warehouses. **[Added 7-12-1993]**

(28) Wholesale and jobbing establishments.

(29) Arenas, auditoriums or stadiums.

(30) Automobile, truck, motor home, recreational vehicle and mobile home sales (new and used) which need not be enclosed, but any mechanical or body repair must be conducted entirely within a structure which shall not have any opening, other than a stationary window, within one hundred (100) feet of a Residential or Agricultural District, and provided further that all vehicles on a used car or truck sales lot must be in operating condition at all times. **[Amended 7-12-1993]**

(31) Automotive repair garages, mechanical and body, provided that all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a Residential or Agricultural District and

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**16 Editor's Note: Former Subsection 24, which listed hardware stores and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

**17 Editor's Note: Former Subsection 27, which listed radio and television offices and studios, including towers, and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

which shall not store or otherwise maintain any parts or waste material outside such building.

(32) Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool halls, dance halls, game rooms, pinball parlors, electronic games centers, golf driving ranges, and similar forms of amusement.[18]

(33) Cabinetmaking shops.

(34) Cemeteries.

(35) Colleges.

(36) Community centers.

(37) Feed and seed stores.

(38) Flea markets.

(39) Kennels.

(40) Light manufacturing, processing or packaging of products (including machine shops without punch presses), provided that all operations are carried on in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a Residential or Agricultural District; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line.

(41) Machinery sales and service.

(42) Outdoor theaters, provided that the face of the screen is not visible from any arterial or collector streets located within two thousand (2,000) feet of such screen.

(43) Plumbing and electrical supply establishments.

(44) Public utilities.

(45) Radio and television towers, provided that the tower is so located that its minimum distance from any lot line shall equal the maximum height of the tower above ground level.

(46) Retail sales and services not specifically delineated herein.

(47) Tire recapping, provided that all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a Residential or Agricultural District and which shall not store or otherwise maintain any parts or waste material outside such building.

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**18 Editor's Note: See Ch. 41, Amusements, of the Code of Appomattox County. In addition, former Subsection 34, which listed building materials dealers and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(48) Veterinary hospitals and clinics.

### § 170-48. Site plan.

Before a building and zoning permit shall be issued for any use in the Commercial District B-1, a site plan of the proposed development shall be approved by the Commission or the Zoning Administrator, whichever is applicable, in conformance with § 170-6 and Article XVI herein.

## ARTICLE XI
## Industrial District M-1

### § 170-49. Intent.

This district is designed to encourage the development of manufacturing, processing, wholesaling and warehousing operations which do not produce high levels of smoke, odor, noise, light, dust and other nuisances which operate principally within enclosed structures, which may have open storage and service areas and which generate minimum heavy traffic. These activities may require special community facilities and reasonable access to transportation facilities.

### § 170-50. Permitted uses.

A. In Industrial District M-1, the following uses are permitted;

(1) Accessory uses and structures as provided in § 170-82 herein.

(2) Automobile laundries or car washes, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process.

(3) Automobile service stations as provided in § 170-83 herein.

(4) Emergency services.[19]

(5) Sale of products produced on the premises, the sales area not to exceed twenty-five percent (25%) of the gross floor area.

(6) Signs as provided in § 170-87 herein.

(7) Temporary sales of Christmas trees, provided that such use does not exceed one (1) month in any calendar year.

(8) Warehouses. **[Added 7-12-1993]**

(9) Cabinet, furniture and upholstery shops. **[Added 7-12-1993]**

(10) Feed and seed stores. **[Added 7-12-1993]**

(11) Frozen food lockers and ice manufacturing. **[Added 7-12-1993]**

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[19] **Editor's Note: Former Subsection 5, which listed radio and television offices and studios and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(12) Frozen food processors. **[Added 7-12-1993]**

(13) Moving and storage establishments. **[Added 7-12-1993]**

(14) Retail and wholesale greenhouses and nurseries. **[Added 7-12-1993]**

(15) Soft drink and bottling plants. **[Added 7-12-1993]**

(16) Wholesale and jobbing establishments. **[Added 7-12-1993]**

### § 170-51. Conditional uses.

A. When, after review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and in the public interest, the following uses may be permitted:

(1) Arenas, auditoriums or stadiums.

(2) Assembly of electronic appliances, electronic instruments and devices, radios and phonographs; also the manufacture of electrical lighting and wiring equipment and small parts such as coils, condensers, transformers and crystal holders.

(3) Automobile assemblying, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing and overhauling or battery manufacturing.

(4) Automobile, motor home, recreational vehicle and mobile home sales (new and used) which need not be enclosed, but any mechanical or body repair must be conducted within a structure which shall not have any openings, other than a stationary window, within one hundred (100) feet of a Residential or Agricultural District, and provided further that all vehicles on a used car sales lot must be in operating condition at all times.

(5) Automotive repair garages, mechanical and body, provided that all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a Residential or Agricultural District and which shall not store or otherwise maintain any parts or waste material outside such building.

(6) Blacksmith shops and welding or machine shops, excluding punch presses exceeding forty-ton rated capacity and drop hammers.

(7) Boat building.[20]

(8) Cemeteries.

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[20] **Editor's Note: Former Subsection 8, which listed cabinet, furniture and upholstery shops and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(9) Contractor's facilities and storage yards and establishments for installation and servicing products with outside storage.[21]

(10) Garages, private and public parking.

(11) Laboratories, pharmaceutical or medical.

(12) Manufacturing, compounding, assemblying or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn and paint.

(13) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

(14) Manufacture of musical instruments, toys, novelties and rubber and metal stamps.

(15) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

(16) Manufacturing, processing, fabricating, assemblying, distributing or packaging of products including business equipment; die-cut paperboard and cardboard; fruit and vegetable processing, canning and storage; professional, scientific, engineering, laboratory or research instruments; iron and steel; photographic equipment; fire extinguishers; sporting and athletic goods; lithographic and printing processes; watches, clocks and optical goods.[22]

(17) Outdoor theaters, provided that the face of the screen is not visible from any street located within two thousand (2,000) feet of such screen.

(18) Printing establishments.

(19) Processing and sale of milk and milk products, both wholesale and retail.

(20) Public utilities.

(21) Radio and television transmitters and transmission towers, provided that the tower is so located that its minimum distance from any lot lines shall equal the maximum height of the tower above ground level.[23]

(22) Signs as provided in § 170-87 herein.

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[21] **Editor's Note: Former Subsections 11, 12 and 13, which listed feed and seed stores, frozen food lockers and ice manufacturing and frozen food processors, respectively, and which immediately followed this subsection, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

[22] **Editor's Note: Former Subsection 21, which listed moving and storage establishments and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

[23] **Editor's Note: Former Subsection 27, which listed retail and wholesale greenhouses and nurseries and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(23) Sign manufacturing.[24]

(24) Stone monument works.[25]

(25) Tire recapping.

(26) Transportation terminals and facilities.

(27) Truck stops.

(28) Veterinary hospitals and clinics.[26]

(29) Yards for storage and/or sale of coal, lumber, building materials or contracting equipment (including rentals).

(30) Well drilling storage.

(31) Radio and television offices and studios. **[Added 7-12-1993]**

### § 170-52. Site plan.

Before a building or zoning permit shall be issued for any use in the Industrial District M-1, a site plan of the proposed development shall be approved by the governing body or the Zoning Administrator, whichever is applicable, in accordance with § 170-6 and Article XVI herein.

### § 170-53. Screening and landscaping.

An industrial use shall be permanently screened from adjoining Residential Districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line.

## ARTICLE XII
## Historic District H-1

### § 170-54. Intent.

Regulations within this district are intended to protect against destruction or encroachment upon the Appomattox Courthouse National Historical Park and to encourage uses which will lead to its continuance, conservation and improvement in a manner appropriate to preservation of the cultural and historic heritage of Appomattox County, the Commonwealth of Virginia and the nation, to prevent the creation of environmental influences adverse to the park and to assure

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[24] **Editor's Note: Former Subsection 30, which listed soft drink and bottling plants and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

[25] **Editor's Note: Former Subsection 32, which listed temporary uses such as tents for a period not to exceed one (1) month and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

[26] **Editor's Note: Former Subsection 37, which listed wholesale and jobbing establishments and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

that new structures and uses within such district will be in keeping with the character to be preserved and enhanced.

### § 170-55. Permitted uses.

A. Within Historic District H-1, the following uses are permitted:

(1) Accessory uses and structures, provided that the requirements of § 170-82 are met.

(2) Dwellings, single-family.

(3) Garages, private.

(4) Public parks and playgrounds, provided that recreational facilities shall not be less than two hundred and forty (240) feet from any residential lot line.

(5) Signs as provided in § 170-87 herein.

### § 170-56. Conditional uses.

A. When, after review of the application and hearing thereon, the Board of Supervisors finds as a fact that the proposed use or uses are consistent with the intent of this chapter and in the public interest, the following uses may be permitted:

(1) Cemeteries.

(2) Churches.

(3) General farming, agriculture, dairying, forestry and the necessary structure for the same, provided that no structure containing poultry or swine and no storage of odor-, dust- or fly producing substance or use shall be located within the district.

(4) Swimming pools, neighborhood.

(5) Public buildings and uses.

(6) Signs as provided in § 170-87 herein.[27]

## ARTICLE XIII
## Flood Hazard District FH
## [Amended 4-20-1992; 7-12-1993]

### § 170-57. Purpose.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

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[27] **Editor's Note: Former Sec. 811, Environmental Hazard District EH, which immediately followed this subsection, was deleted 5-4-1993.**

A. Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

B. Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.

C. Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage.

D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

### § 170-58. Applicability.

These provisions shall apply to all lands within the jurisdiction of Appomattox County and identified as being in the one-hundred-year floodplain by the Federal Insurance Administration.

### § 170-59. Compliance required.

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.

### § 170-60. Construal of provisions.

The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside of the floodplain or that land uses permitted within such areas will be free from flooding or flood damages.

### § 170-61. Liability.

This chapter shall not create liability on the part of Appomattox County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

## § 170-62. Supersession of similar ordinances; more restrictive provisions to prevail.

This chapter supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.[28]

## § 170-63. Description.

A. Basis. The various floodplain areas shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Appomattox County prepared by the Federal Insurance Administration, dated January 17, 1978, as amended.

(1) The Floodway is delineated, for purposes of this chapter, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.[29]

(2) The Flood-Fringe shall be that area of the one-hundred-year floodplain not included in the Floodway. The basis for the outermost boundary shall be the one-hundred-year-flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

(3) The Approximated Floodplain shall be that floodplain area for which no detained flood profiles or elevations are provided, but where a one-hundred-year-floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one-hundred-year-flood elevations and Floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific one-hundred-year-flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, United States Geological Survey Flood-Prone Quadrangles, etc. then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by Appomattox County.

B. Overlay concept.

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[28] **Editor's Note: The terms defined in former Art. II, Definitions, which immediately followed this section, were moved to § 170-3 of this chapter.**

[29] **Editor's Note: Said materials are on file in the Appomattox County offices.**

(1) The Floodplain Areas described above shall be overlays to the existing underlying area as shown on the Official Zoning Ordinance Map,[30] and as such, the provisions for the floodplain shall serve as a supplement to the underlying area's provisions.

(2) In any conflict between the provisions or requirements of the floodplain and those of any underlying area, the more restrictive provisions and/or those pertaining to the floodplain areas shall apply.

(3) In the event that any provision concerning a floodplain area is declared inapplicable as a result of any legislative or administrative action or judicial decision, the basic underlying provisions shall remain applicable.

### § 170-64. Basis for establishing boundaries; maps.

The boundaries of the floodplain areas are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this chapter and which shall be kept on file at the Appomattox County offices.

### § 170-65. Boundary changes.

The delineation of any of the floodplain areas may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

### § 170-66. Interpretation of boundaries.

Initial interpretations of the boundaries of the floodplain areas shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the areas, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

### § 170-67. Permit required.

All uses, activities and development occurring within any floodplain area shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and Chapter 141, Subdivision of Land, of the Code of Appomattox County. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or

[30] **Editor's Note: The Zoning Map is on file in the Appomattox County offices.**

development adversely affect the capacity of the channels or Floodway of any watercourse, drainage ditch or any other drainage facility or system.

### § 170-68. Alteration or relocation of watercourse.

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the United States Corps of Army Engineers, the Virginia State Water Control Board and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation) and the Federal Insurance Administration.

### § 170-69. Site plans and permit applications.

All applications for development in the floodplain area and all building permits issued for the floodplain shall incorporate the following information:

A. For structures to be elevated, the elevation of the lowest floor (including basement).

B. For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

C. The elevation of the one-hundred-year flood.

D. Topographic information showing existing and proposed ground elevations.

### § 170-70. Placement of recreation vehicles.

A. Recreational vehicles placed on sites shall either:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use; or

(2) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code.

B. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

### § 170-71. Encroachments in Floodway.

In the Floodway, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one-hundred-year-flood elevation.

**§ 170-72. Permitted uses in Floodway.**

The following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials and equipment:

A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

B. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.

C. Accessory residential uses, such as yard areas, gardens, play areas and pervious loading areas.

D. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.

**§ 170-73. Requirements of Flood-Fringe and Approximated Floodplain.**

A. In the Flood-Fringe and Approximated Floodplain, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

B. Within the Approximated Floodplain, the applicant shall also delineate a Floodway area based on the requirement that all existing and future development shall not increase the one-hundred-year-flood elevation more than one (1) foot at any one (1) point. The engineering principle (equal reduction of conveyance) shall be used to make the determination of increased flood heights.

C. Within the Floodway area delineated by the applicant, the provisions of § 170-71 shall apply.

**§ 170-74. Design criteria for utilities and facilities.**

A. Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

C. Drainage facilities. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Utilities. All utilities such as gas lines and electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

E. Streets and sidewalks. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

**§ 170-75. Variances.**

A. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway that will cause any increase in the one-hundred-year-flood elevation.

(2) The danger that materials may be swept onto other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

(10) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(13) Such other factors which are relevant to the purposes of this chapter.

B. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.

C. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights or additional threats to public safety or extraordinary public expense and will not create nuisances or cause fraud or victimization of the public or conflict with local laws or ordinances.

D. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.

E. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one-hundred-year-flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.

F. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

**§ 170-76. Existing structures.**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Existing structures in the Floodway shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one-hundred-year-flood elevation.

B. Any modifications, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible.

C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full

compliance with the provisions of this chapter and the Virginia Uniform Statewide Building Code.

## ARTICLE XIV
## Additional Regulations

### § 170-77. Minimum lot area and lot width.

A. Residential uses. Within districts permitting single-family, two-family and multifamily residential uses, the minimum lot areas and minimum lot widths in Table 1 herein[31] shall apply.

B. Commercial, industrial and other uses. Within districts permitting commercial, industrial and other uses, there are no minimum lot area and lot width requirements except as provided herein in special circumstances and/or as may be required by the appropriate governing body, the Commission and/or the Board of Appeals.

C. Health Department approval. Area requirements in Subsections A and B are subject to the approval of the Health Department, and in special circumstances, larger lot areas may be required by the Health Department.

### § 170-78. Maximum lot coverage.

A. Residential uses. The maximum lot coverage for residential uses shall adhere to the requirements in Table 2 herein.[32]

B. Commercial, industrial and other uses. There is no maximum lot coverage for commercial, industrial and other uses, except as provided herein in special circumstances and/or as may be required by the governing body, the Commission and/or the Board of Appeals.

### § 170-79. Maximum height restrictions.

A. General provisions. No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located. Except as provided herein, maximum height restrictions within the districts shall adhere to the requirements in Table 2 herein.[33]

B. Height determination. The method determining the height of a building or sign is described in § 170-2 of this chapter.

C. General exceptions. Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, cooling towers, roof signs, elevator bulkheads, smokestacks, flagpoles, silos, granaries, windmills, oil derricks and similar structures and their necessary

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31 **Editor's Note: Table 1 is included at the end of this chapter.**

32 **Editor's Note: Table 2 is included at the end of this chapter.**

33 **Editor's Note: Table 2 is included at the end of this chapter.**

mechanical appurtenances may be erected above the height limits herein established, except for those structures exceeding two hundred (200) feet in height, where prior written approval from the Federal Aviation Administration is necessary.

D. Government buildings. No maximum height restrictions are placed upon government buildings. The height requirements shall be determined by the appropriate governmental agency constructing or reconstructing the building.

E. Semipublic uses and public places of assembly. Semipublic uses and public places of assembly, as defined herein, may exceed the maximum height of the zoning district, provided that the governing body shall determine to its satisfaction that such additional height does not detrimentally affect the surrounding property and approves such request.

### § 170-80. Minimum yard requirements; adjustments.

A. Within the districts therein defined, the minimum yard requirements shall adhere to the requirements in Table 2 herein.[34]

B. Whenever there shall be plans in existence, surveyed and approved by either the Virginia Department of Transportation or by the governing body, for the widening of any street or highway, the Zoning Administrator or the governing body, upon recommendation of the Commission, may require additional front, side or rear yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

### § 170-81. Requirements for accessory buildings.

A. Location on lot. An accessory building or structure shall be permitted on any portion of a lot except in the front or side yards. This does not apply in the A-1 Agricultural District when lot size is over ten (10) acres unless the property is bounded by an R-1, R-2 or V-1 District. **[Amended 7-12-1993]**

B. Maximum lot coverage. An accessory building or structure shall not cover more than thirty (30) percent of the rear yard.

C. Maximum height restrictions. The maximum height requirements for an accessory building or structure shall be as follows:

(1) Twelve (12) feet if the accessory building or structure is within ten (10) feet of the property line in the R-2 General Residential District.

(2) Twelve (12) feet if the accessory building or structure is within twenty (20) feet of the property line in the R-1 Residential Districts.

(3) Less than the height of the main building under all other locational conditions.

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34 **Editor's Note: Table 2 is included at the end of this chapter.**

D. **[Amended 7-12-1993]** Minimum yard requirements. The minimum yard setback requirement for an accessory building or structure, measured from the edge of the roofline to the lot line, shall be as follows:

| District | Front Yard Setback (feet) | Side Yard Setback (feet) | Rear Yard Setback (feet) |
|---|---|---|---|
| A-1 Agricultural | (a) | 15 | 15 |
| R-1 Residential | (a) | 15 | 15 |
| R-2 General Residential | (a) | (a) | (a) |
| V-1 Village Center | (a) | 15 | 15 |
| B-1 Commercial | (a) | (a) | (a) |
| M-1 Industrial | (a) | (a) | (a) |
| H-1 Historic | (a) | (a) | (a) |

NOTES:

(a) Same as main building. (See Table 2.[35])

E. Distance between buildings. An accessory building or structure shall not be located within twenty (20) feet of another building or structure on the same lot or parcel within the unincorporated areas of the county.

## ARTICLE XV
## Special Provisions for Certain Uses

### § 170-82. Accessory and temporary buildings.

A. Intent. Special requirements are designed for accessory and temporary buildings to ensure ample access for emergency vehicles, to maintain the effectiveness of rear and side yard requirements and to ensure that accessory structures remain secondary in function to the main building.

B. Special restrictions. In addition to other requirements herein, the following restrictions shall apply to accessory and temporary buildings:

(1) When an accessory building is attached to the main building, a substantial part of one (1) wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore, such attached accessory building shall comply in all respects with the requirements applicable to the main building.

(2) No accessory building housing livestock shall be placed within two hundred (200) feet of a lot line located within or abutting any Residential or Commercial District or

35 **Editor's Note: Table 2 is included at the end of this chapter.**

Village Center District nor within five hundred (500) feet of an existing residence. **[Amended 7-12-1993]**

(3) No accessory building housing fifty (50) or more swine shall be placed within five hundred (500) feet of the property line or within two thousand (2,000) feet of a residence other than that of the owner. **[Amended 7-12-1993]**

(4) Temporary buildings may be permitted in any district when used in conjunction with construction work only but shall be removed immediately upon completion of construction.

(5) A temporary single mobile home unit or recreational vehicle may be used for an office by a developer in a subdivision or for other special purposes for a period not to exceed six (6) months upon written approval of the governing body and shall meet the requirements of the Building Code and the State Corporation Commission. The permit may be renewed for due cause. **[Amended 7-12-1993]**

**§ 170-83. Automobile service stations.**

A. Intent. Special requirements are imposed on automobile service stations because of the potential dangers and nuisances caused by high traffic volume, repair of machinery and flammable products.

B. Location. The building and service area (to include all automotive maintenance, cleaning and the pumping of gasoline) shall not be within one hundred (100) feet of any residential lot or any property containing a school, public playground, church, hospital, public library or institution for children or dependents.

C. Site requirements. An automobile service station shall have a minimum frontage of one hundred twenty (120) feet and a minimum area of twelve thousand (12,000) square feet. All buildings shall be set back at least forty (40) feet from the right-of-way line of any street right-of-way line or sixty-five (65) feet from the center line of a street on a prescriptive easement.

D. Access to site. All ingress and egress to and from public streets and alleys at the automobile service station shall meet the specifications of § 33.1-198, Code of Virginia 1950, as amended, and the Minimum Standards of Entrances to State Highways and be approved by the Resident Engineer.

E. Gasoline pump islands. All gasoline pump islands shall be set back in accordance with the requirements of the Virginia Department of Highways and Transportation and be approved by the Resident Engineer.

F. Off-street parking. A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each automobile service bay.

G. Other site improvements. In addition to the above requirements, the following additional site improvements shall be required:

(1) Exterior lighting shall be arranged so that it is deflected away from adjacent properties

(2) All drives, parking, storage and service areas shall be improved surface.

H. Storage of flammable products. Outside aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any automobile service station in all districts.

**§ 170-84. Recreational vehicle parks.**

A. Intent. The special provisions for recreational vehicle parks are designed to encourage the compatibility of these parks with the surrounding land uses, to maintain a safe and healthy atmosphere, to minimize adverse environmental impacts and to stabilize demand on local public services.

B. Use. Recreational vehicle parks shall be used only by recreational vehicles, recreational vehicles, pickup coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and uses for travel, vacation and recreation purposes. The maximum stay on any one (1) travel trailer site within the park by an individual vehicle accommodation or tent shall be sixty (60) days. The removal of wheels and placement of the unit on a foundation in such park is prohibited. **[Amended 7-12-1993]**

C. Site plan. The site plan, prepared in accordance with Article XVI herein, shall include proposed facilities for sanitation, solid waste (including garbage), drainage and fire prevention. Site plans shall meet the requirements of the Erosion and Sediment Control Handbook and shall be approved by the Health Department and the local Fire Department.

D. Area and site regulations. Area of the park shall be no less than three (3) acres. Density shall be no more than twenty-five (25) sites per acre. Each recreational vehicle site or space shall be at least fifteen hundred (1,500) square feet in area. Each site shall contain a stabilized vehicular parking pad of packed gravel, marl, paving or other suitable material. No part of a recreational vehicle or other unit placed on a recreational vehicle site shall be closer than ten (10) feet to the adjacent site within the development. The minimum number of recreational vehicle sites completed and ready for occupancy before the first occupancy is permitted shall be fifteen (15) or five (5) per acre. Prior to first occupancy, a certified statement of compliance shall be obtained from the Zoning Administrator.

E. Location and access. A recreational vehicle park and campground shall be so located that no entrance or exit from a park shall discharge traffic into any Residential District nor require movement of traffic from the park through a Residential District. A recreational vehicle park and campground shall have a minimum of one hundred (100) feet of frontage on a public street. Entrances or exits to recreational vehicle parks and campgrounds shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets or roads. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. All ingress and egress to and from public streets and alleys shall meet the specifications of § 33.1-198, Code of Virginia 1950, as amended, and the Minimum Standards of Entrances to State Highways and be approved by the Resident Engineer.

F. Accessory uses. Each park shall have at least one (1) telephone available for public use. Management headquarters, a manager's residence, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, stores and other uses and structures customarily incidental to operations of a recreational vehicle park are permitted as accessory uses to the park, subject to the following restrictions:

(1) Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than ten percent (10%) of the gross area of the park.

(2) The structures housing such facilities shall not be located closer than one hundred (100) feet to any public street or alley and shall be accessible only from a street within the park.

G. Streets. Streets in recreational vehicle parks shall be private but shall be constructed with an established travelway (packed gravel, marl, paving or other suitable materials) and shall meet the following minimum stabilized travelway width requirements:

| Type of Street | Travelway Minimum Width (feet) |
|---|---|
| 1-way, no parking | 11 |
| 1-way with parking on 1 side or 2-way with no parking | 18 |
| 2-way with parking on 1 side | 27 |
| 2-way with parking on both sides | 34 |

H. Buffers. Recreational vehicle parks shall be enclosed by a fence, wall, landscape screening, earth mounds or by other designs from all contiguous residential areas in a manner that will compliment the landscape and assure compatibility with the adjacent environment. No site is to be closer than two hundred (200) feet to a Residential District. **[Amended 7-12-1993]**

I. Recreation facilities. A minimum of eight percent (8%) of the gross site area for the recreational vehicle park shall be set aside and developed as common use areas for open spaces of recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, storage area nor utility site shall be counted as meeting open space or recreational purposes.

**§ 170-85. Home occupations.**

A. Intent. It is recognized that home occupations provide valuable services while providing income for county residents. The regulations in this section seek to prevent conflict of the home occupation with the surrounding residential areas and to ensure that the home occupations maintain a secondary posture to the main residential use.

B. General requirements. Home occupations, where permitted, must meet the following general requirements:

(1) The applicant must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the applicant is a tenant.

(2) The home occupation shall be operated only by the members of the family residing on the premises, and no article or service shall be sold or offered for sale except as may be made by members of the immediate family residing on the premises, except as provided for in Subsection C(3).

(3) The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radio activity or other conditions detrimental to the character of the surrounding area.

(4) Restrictions on home occupations shall not apply to the sale of unprocessed agricultural and husbandry products.

(5) The home occupation shall not be in conflict with any applicable deed restrictions.

C. Special requirements.

(1) The home occupation within the main building shall not occupy more than twenty-five percent (25%) of the floor area of the main building.

(2) The home occupation located in an accessory building to the main dwelling shall be no larger in area than one-third (⅓) of the size of the main dwelling, shall be located in the rear yard and shall meet the requirements in § 170-82 herein.

(3) No more than two (2) persons not related to the members of the family residing on the premises may be hired, provided that a certificate of nonobjection is obtained from all adjacent property owners and/or tenants.

D. Expiration. A zoning permit for home occupations shall expire under the following conditions:

(1) Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued; and no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application.

(2) Whenever the holder or such a permit fails to exercise the same for any period of twelve (12) consecutive months.

**§ 170-86. Mobile homes and mobile home parks.**

A. Mobile homes. After the date of enactment or amendment of this chapter, all mobile homes shall meet the following requirements:

(1) All mobile homes shall meet the plumbing requirements and the electrical wiring and connection requirements of the Building Code and the construction, blocking and anchoring requirements of the Virginia State Corporation Commission and shall display the seal of a testing laboratory approved by the Commonwealth of Virginia.

(2) All mobile homes must use and be secured with proper tie-down equipment.

(3) Single mobile home units located outside of a mobile home park shall be subject to the following additional conditions:

(a) The lot area and dimensions must meet the requirements of a single-family dwelling unit within the district in which the mobile home unit is to be located.

(b) In no case shall the unit be located within thirty (30) feet of any permanent-type of building.

(c) The provisions in § 170-23 herein shall be met in the case where more than one (1) additional mobile home and/or single-family dwelling are located on a single lot.

B. Mobile home accessory structures. All mobile home accessory structures erected or constructed in any new or existing mobile home park after the date of enactment or amendment of this chapter must meet the following requirements:

(1) All mobile home accessory structures must meet the plumbing, electrical connection wiring, construction and other applicable requirements of the County Building Code.

(2) Mobile home accessory structures, except ramadas, shall not exceed the height of the mobile home.

(3) No accessory structure shall be erected or constructed on any mobile home lot except as an accessory to a mobile home.

(4) Porches may be placed adjacent to mobile homes, provided that they are constructed in accordance with the provisions of the County Building Code.

(5) No accessory building or structure may be closer than two (2) feet to any property line or mobile home lot line.

C. Mobile home park area requirements. Within a mobile home park, the following area requirements shall apply:

(1) The minimum area for each mobile home park shall be ten (10) acres with a minimum of twenty-five (25) mobile home stands and a maximum of five (5) mobile home stands per acre; and the minimum lot width for the portion used for entrance and exit to a public road shall be fifty (50) feet.

(2) The minimum lot area of each individual mobile home lot shall be three thousand six hundred (3,600) square feet for single-wide units and six thousand (6,000) square feet for double-wide units.

(3) No mobile home and an accessory building shall occupy more than thirty percent (30%) of the area of the lot on which it is situated.

(4) The minimum length of a mobile home lot shall be ninety (90) feet; the minimum width shall be forty (40) feet. On all lots larger than the minimum, the ratio of length to width shall not exceed two and twenty-five hundredths (2.25) to one and zero-tenths (1.0).

(5) No more than one (1) detached mobile home accessory structure shall be permitted on any mobile home lot.

D. Mobile home park setback requirements. All mobile home parks shall meet the following minimum setback requirements:

(1) No mobile home unit, management office or other structure, except decorative fencing, lighting, wall, entrance or other decorative feature, shall be located closer than thirty-five (35) feet to a street right-of-way line of a public road with a right-of-way of fifty (50) feet or greater nor closer than sixty (60) feet to the center line of a public road with a right-of-way of less than fifty feet.

(2) No main or accessory structure shall be located closer than twenty-five (25) feet to the property line of the mobile home park.

(3) No mobile home shall be placed within twenty (20) feet of another mobile home or closer than ten (10) feet to the mobile home lot line.

E. General requirements for mobile home parks.

(1) No park may be a closed park where entry is denied anyone who has not purchased his home from the dealer, park owner or operator. No park may also serve as a general retail or wholesale and demonstration or storage area for mobile homes.

(2) Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan submitted so that each lot may be easily identified.

(3) An internal street system shall be provided to furnish convenient access to mobile home lots, and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient and shall meet the following requirements in addition to such other reasonable standards and requirements as may be recommended by the Resident Engineer:

(a) All internal streets shall be permanently paved with plant bituminous material or other hard, durable surface which shall be maintained free of cracks and holes and the edges of which shall be protected from raveling. Minimum pavement widths shall be a minimum of twenty (20) feet for all streets. Widths shall be measured from curbface to curbface.

(b) On-street parking shall be permitted, provided that the minimum pavement width of twenty (20) feet shall be increased eight (8) feet for parking on one (1) side of the street and sixteen (16) feet for parking on both sides of the street.

(c) Dead-end streets shall be limited in length to four hundred (400) feet, shall be provided with culs-de-sac with turning areas of not less than forty (40) feet in radius or with T- or Y-turning areas and shall provide access to no more than twenty (20) mobile home lots.

(d) Streets shall be approximately at right angles at street intersections. Offsets at intersections of less than one hundred twenty-five (125) feet from center line to center line and intersections of more than two (2) streets shall be avoided.

(e) Streets shall be adapted to the topography, shall follow the contours of the land as nearly as possible and shall have safe grade and alignments. No grade shall

exceed twelve percent (12%), or no curve shall have an outside radius of less than eighty (80) feet.

(f) Lighting shall be provided in such a way as to produce a minimum of one-tenth (0.1) footcandle at street level throughout the system, with at least three-tenth (0.3) footcandle at street intersections, park entrances and other potentially hazardous locations in or around the park.

(g) Entrances shall be provided in sufficient numbers to ensure safe and convenient ingress and egress. Where the proposed park adjoins two (2) or more public roads, entrances shall be provided on at least two (2) public roads where possible, provided that the internal street system shall be so designed as to discourage through traffic. Entrances shall be no closer than one hundred twenty-five (125) feet from an existing public road intersection.

(4) An adequate supply of water approved by the State Health Department shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances with water connections located on each mobile home lot. All waterlines shall be made frost-free.

(5) In each mobile home park, all wastewater from a faucet, toilet, tub, shower, sink, slop sink, drain, washing machine, garbage disposal unit or laundry shall empty into a sewer system approved by the Health Department.

(6) Each mobile home park shall provide a system for garbage disposal approved by the governing body.

(7) There shall be provided a minimum of thirty thousand (30,000) square feet of developed recreational area, exclusive of required setback and yard requirements, per each twenty-five (25) mobile home lots or multiple or fraction thereof.

(8) All utilities shall be underground, except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park.

(9) Fencing or vegetative screening shall be provided to a height of six (6) feet and such a density that no mobile home or mobile home accessory structure shall be visible to a casual observer on any side of a mobile home park abutting the backyard of a residential structure or the side yard of a residential structure, provided that the screening does not extend beyond the setback line of the structure, and provided that where natural features such as topography or natural vegetation are preserved and prevent the park from being casually visible from adjoining properties, the governing body may waive requirements for screening. Fencing, where required, shall be maintained in a safe condition, shall be painted and shall be kept in good repair.

F. Park management requirements. The management of mobile home parks shall be in accordance with the following requirements:

(1) The minimum number of mobile home lots and stands completed and ready for occupancy before the first occupancy is permitted shall be five (5), and no lot or stand shall be rented for a period of less than sixty (60) days. Prior to first occupancy, a certified statement of compliance shall be obtained from the Zoning Administrator.

(2) Permanent buildings housing management offices, child-care centers, laundry facilities or indoor recreational facilities or other service facilities may be permitted in mobile home parks, provided that such facilities shall:

(a) Meet parking requirements for such facilities as specified in § 170-28 herein.

(b) Be subordinate to the residential use and character of the park.

(c) Be located, designed and intended to serve the service needs of persons residing in the park.

(d) Present no visible evidence of their nonresidential character to any area outside the park.

(e) Meet all applicable federal, state and local requirements pertaining to such uses.

(f) Occupy not more than ten percent (10%) of the area of the park.

G. Mobile home park site plan. Applicants for mobile home parks shall follow site plan procedures outlined in Article XVI herein and, in addition, shall meet the following special requirements:

(1) The name of the proposed park shall be included on the site plan and shall not closely approximate that of any existing mobile home park or subdivision in any of the local governmental subdivisions within the county or in neighboring jurisdictions.

(2) The location and dimensions of all existing streets and street rights-of-way, easements, water, sewerage, drainage facilities and other community facilities and utilities adjacent to the proposed park shall be included on the site plan.

(3) All existing significant natural and historical features on or adjacent to the proposed park, including but not limited to views from the property and views from adjoining properties that might be affected by the proposed park, shall be included on the site plan.

(4) The proposed layout shall include:

(a) Interior streets with dimensions and such typical street cross sections and center-line profiles as may be required in evaluating the street layout.

(b) Interior monuments and lot lines, dimensions and areas of mobile home lots, common open space and recreation areas, common parking areas and other common areas.

(c) Locations and dimensions of mobile home stands and parking spaces, management offices, laundry facilities, recreation buildings and other permanent structures.

(d) The location and nature of fire-fighting facilities, including hydrants, fire extinguishers and other fire-fighting equipment.

(e) The location of fuel storage facilities and structures of high flammability.

(f) The location and dimensions of landscaping amenities, including streetlights, sidewalks, planted areas, significant natural features to be retained and fencing and screening.

(5) A narrative statement shall be included describing how the standards and requirements set forth herein are to be met; a statement from the Health Department certifying approval of the proposed site plan; and a statement from the Resident Engineer certifying that all ingress and egress to and from public streets and alleys meet the specifications of § 33.1-198, Code of Virginia 1950, as amended, and the Minimum Standards of Entrances to State Highways.

(6) Paved common walks of a width of at least four (4) feet may be required by the governing body on at least one (1) side of all streets whenever concentrations of pedestrian traffic can be expected, such as between recreational facilities. Walk grades shall not exceed ten percent (10%); lights shall be provided sufficiently to illuminate steps.

**§ 170-87. Signs.**

A. Intent. The purpose of the following sign requirements is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs. It is intended to protect property values, to create a more attractive economic and business climate and to enhance and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and constructions that may be caused by signs overhanging or projecting over public rights-of-way, to provide more open space, to curb the deterioration of the natural environment and to enhance community development.

B. General requirements.

(1) All signs, whether permanent or temporary, shall comply with the applicable requirements of the County Building Code, §§ 33.1-351 through 33.1-381, Code of Virginia 1950, as amended, and any regulations promulgated by the State Transportation Board pursuant thereto. In the event of conflicting laws or regulations, the most restrictive or that imposing higher standards shall govern.

(2) For the purpose of computing sign area, only one (1) side of a V-type or double-faced sign shall be considered.

(3) Front yard setback requirements shall not apply to any sign except off-site outdoor advertising signs as provided in Subsection E herein.

(4) All signs shall be subject to the same side yard and height limitations imposed upon other buildings or structures in the use district in which said sign is located, except as otherwise provided herein.

(5) Illumination of signs within all Agricultural and Residential Districts shall be only by indirect illumination.

(6) No sign or sign structure shall be erected which is prohibited under §§ 33.1-369, 33.1-373 and 33.1-379, Code of Virginia 1950, as amended.

C. Permissible signs in all districts exempt from zoning permit requirements. The following signs are permitted in all use districts and shall be exempt from zoning permit requirements:

(1) Real estate signs advertising sale, rental or lease of the land or building upon which signs are located, provided that:

(a) In Residential Districts, no sign shall be in excess of six (6) square feet and no more than two (2) such signs shall be located on any single lot.

(b) In Commercial Districts, no sign shall be in excess of thirty-two (32) square feet and no more than three (3) such signs shall be located on any single lot.

(c) In Industrial Districts, no sign shall be in excess of ninety (90) square feet and no more than three (3) such signs shall be located on any single lot.

(2) Professional nameplates not exceeding two (2) square feet in area shall be nonilluminated and attached to the building.

(3) One (1) on-site sign or bulletin board indicating the name of the church, institution or civic association not exceeding twenty-four (24) square feet in area on premises of public or semipublic facilities.

(4) Signs located on the premises relating to active construction projects.

(5) Memorial signs or tablets, including names of buildings and date of erection, when cut into masonry, bronze or other materials.

(6) Traffic or other public signs and notices posted or erected by or at the direction of a governmental agency, provided that such signs and notices meet all applicable state and federal laws and regulations.

(7) Customary signs in conjunction with residential usage, including mailbox lettering, names of residents, house numbers, names of farms and estates and other similar usage.

(8) One (1) identification sign at the main entrance or entrances to a subdivision or planned unit development project, provided that such sign shall not exceed one hundred (100) square feet, shall not be illuminated, shall be so designed as to be in the public interest and shall make no reference to the sale or lease of the lots or houses located within said identified subdivision.

(9) Directional signs for institutional uses, provided that such signs shall not exceed six (6) square feet, shall be within one (1) mile of said institutional use and shall meet all applicable state laws and regulations.

(10) One (1) on-site sign relating to a home occupation, provided that such sign shall not exceed sixteen (16) square feet.

(11) Temporary signs, including political, provided that such signs shall not be maintained for a period longer than ninety (90) days, shall not exceed forty-eight (48) square feet per sign area and shall be removed within ten (10) days after the final date of the event or activity to which the sign makes reference.

(12) On-site signs erected or maintained or caused to be erected or maintained on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm, provided that such signs do not exceed an aggregate total of five hundred (500) square feet of sign area.

(13) One (1) sign for each subdivision or planned unit development project relating to the sale of property within said subdivision or project, provided that such sign shall be within said subdivision or project, shall not exceed thirty-two (32) square feet per sign area, shall not be illuminated, shall be maintained at the developer's expense and shall be removed by the developer when eighty percent (80%) of the lots in said subdivision are sold. A second sign shall be permitted where there is another main entrance to said subdivision.

(14) Signs erected upon property warning the public against hunting, fishing or trespassing thereon.

(15) Signs erected by emergency services authorities relating to emergency services operations.

(16) Signs denoting only the name of civic service clubs or churches, including location and directions for reaching the same and the time of meeting of such organizations, provided that such signs do not exceed six (6) square feet of sign area for each such organization or that a sign structure containing more than one (1) sign for each such organization of six (6) square feet or less does not exceed one hundred (100) square feet of sign area.

D. Permissible signs in selected districts exempted from zoning permit requirements. The following signs are permitted in designated zoning districts and shall be exempted from zoning permit requirements:

(1) In districts allowing multifamily dwellings, one (1) on-site sign for identifying multifamily dwellings, provided that such sign shall not exceed thirty-two (32) square feet in area, shall indicate nothing other than the name and/or address of the premises and the name of the management and may be illuminated only by indirect illumination.

(2) In Residential Districts, one (1) on-site commercial outdoor advertising sign for permitted institutional and nonresidential uses, provided that such sign shall not exceed thirty-two (32) square feet.

(3) In Commercial, Village Center and Industrial Districts, commercial and industrial advertising signs securely attached to the place of business or industrial operation and on-site commercial and industrial outdoor advertising sign structure(s) not exceeding an aggregate total of two hundred (200) square feet of sign area per business or industrial operation. **[Amended 7-12-1993]**

E. Off-site outdoor advertising signs. Off-site outdoor advertising signs of a commercial nature are only allowed in the Commercial and Industrial Districts and are governed by applicable rules herein, except that the front yard setback shall be twenty-five (25) feet.

F. **[Amended 7-12-1993]** Signs requiring a zoning permit. The following signs shall require a zoning permit in accordance with the application procedures for a special exception delineated in § 170-6C herein:

(1) All signs not exempt from a zoning permit as delineated in Subsections C and D herein.

(2) All signs exceeding the maximum requirements as delineated in Subsections C and D herein.

(3) All off-site advertising signs as permitted in Subsection E herein.

G. Maintenance and removal of signs.

(1) All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs must adhere to the provisions of the County Building Code.

(2) Signs which are no longer functional or are abandoned shall be repaired, removed or relocated at the owner's expense in compliance with the provisions of this chapter within thirty (30) days following disfunction.

(3) Any legally established nonconforming sign or sign structure shall be permitted to continue without alteration in size or location, provided that the requirements of §§ 170-27 and 170-30 herein are adhered to.

## § 170-88. Multifamily developments.

All "multifamily developments," herein defined as three (3) or more dwelling units contained in one (1) building, shall meet the following special requirements. These requirements shall apply to any structure of similar use, physical structure and character, regardless of the type of ownership.

A. Multifamily development utilities and streets. All multifamily development shall meet the following minimum requirements for utilities and streets:

(1) All units shall be connected to water and sewerage systems approved by the Health Department and shall be open to inspection.

(2) The site storm drainage system shall drain to any existing natural drainage system. On-site retention of stormwaters is encouraged, provided that it is in compliance with requirements of § 15.1-867, Code of Virginia 1950, as amended, and Chapter 71, Erosion and Sediment Control, of the Code of Appomattox County. All storm drainage facilities shall meet the requirements of the Health Department. Curbs and gutters, if provided, and curb cuts shall meet the specifications of § 33.1-198, Code of Virginia 1950, as amended, and the Minimum Standards of the Entrances to State Highways and be approved by the Resident Engineer. **[Amended 7-12-1993]**

B. Amenities. All multifamily developments shall meet the following minimum requirements for open space, recreation and other amenities:

(1) Open space areas, excluding those portions of the multifamily development occupied by multifamily dwellings, accessory buildings, driveways or parking areas, and including outdoor recreation areas, shall meet the following requirements:

(a) Provision shall be made for common open space such that one percent (1%) of the gross area of the site shall be devoted to common open space for each dwelling unit per acre of density. For example, if the density of the development is eight (8) units per acre, at least eight percent (8%) of the development shall be devoted to common open space. Common open space shall not include areas included in minimum yard area requirements.

(b) Tot lots and swimming areas shall be adequately enclosed, and all recreational areas shall be located away from the concentrations of vehicular traffic.

(2) Fencing or vegetative screening shall be provided to a height of six (6) feet and of such a density that no part of the development shall be visible to a casual observer on any side of the development abutting any yard of a residential or nonresidential structure, provided that where natural features such as topography or natural vegetation are preserved and prevent the development from being casually visible from adjoining properties, the Board of Appeals may waive requirements for screening. Fencing, where required, shall be maintained in a safe condition, shall be painted and shall be kept in good repair.

(3) Paved common walks of a width of at least four (4) feet shall be provided on at least one (1) side of all streets, and wherever concentrations of pedestrian traffic can he expected, as between recreational facilities, walks may be incorporated into the street curb. Walk grades shall not exceed ten percent (10%); lights shall be provided sufficiently to illuminate steps.

**§ 170-89. Shopping centers.**

A. Intent of shopping center requirements. The shopping center requirements are necessary in order that a shopping center can be developed as a unit, with adequate off-street parking for customers and employees with appropriate landscaping and screening materials.

B. Permitted uses. Within a shopping center, the following uses are permitted:

(1) Antique shops.

(2) Appliance stores.

(3) Apparel stores.

(4) Artist supplies.

(5) Automobile parking.

(6) Bakery goods stores.

(7) Banks.

(8) Barbershops.

(9) Beauty shops.

(10) Book and/or stationery stores.

(11) Bowling alleys.

(12) Camera shops.

(13) Catering establishments.

(14) Cleaning and pressing establishments.

(15) Drugstores or fountains.

(16) Dry good stores.

(17) Dairy products or ice cream.

(18) Delicatessens.

(19) Department stores.

(20) Florist shops.

(21) Furniture stores.

(22) Gift shops.

(23) Grocery stores.

(24) Hardware stores.

(25) Hobby stores.

(26) Jewelry stores.

(27) Liquor stores.

(28) Meat markets.

(29) Medical facilities.

(30) Music stores.

(31) Newspaper or magazine sales.

(32) Notions stores.

(33) Optometrist offices.

(34) Package stores.

(35) Paint and decorating shops.

(36) Photography studios.

(37) Pharmacies.

(38) Radio and television sales and service.

(39) Restaurants.

(40) Self-service laundry or dry cleaning.

(41) Sewing machine sales and service.

(42) Shoe stores or repair shops.

(43) Sporting goods sales.

(44) Specialty shops.

(45) Supermarkets.

(46) Tailor shops.

(47) Toy stores.

(48) Variety stores.

(49) Professional and business offices.

(50) Public utilities lines.

(51) Office uses, provided that the total floor area of such uses shall not exceed twenty-five percent (25%) of the gross floor area of the shopping center.

(52) Automobile service stations, provided that they are designed as an integral part of the shopping center and meet the requirements within § 170-83 herein.

(53) Accessory buildings, structures and uses customarily incidental to the uses enumerated herein above.

(54) Other compatible uses approved by the governing body.

C. Minimum number of permitted uses. The parcel of land in which a shopping center is located shall not contain fewer than six (6) permitted uses.

D. Yard requirements. It is intended that the grouping of buildings and parking areas be designed to protect residential areas abutting or nearby and that screening be provided where necessary, provided that in no case shall the design of the shopping center provide less than the following standards:

(1) There shall be a side yard, rear yard, alley, service court or combination thereof of not less than thirty (30) feet in depth.

(2) The service area of all buildings shall be completely screened from public view, with permanent ornamental screening materials.

E. Maximum height regulations. No building or structure shall exceed sixty (60) feet in height except as allowed in §§ 170-81 and 170-87 herein.

F. Building and construction setback. All buildings, parking lots and other forms of construction shall have a minimum setback of one hundred fifty (150) feet from the right-of-way of arterial highways, such as U.S. 460. All buildings will have a setback of twenty-five (25) feet from other street right-of-way lines or property lines unless adjacent to a Residential District, when the setback shall be seventy-five (75) feet.

G. Screening and landscaping. A shopping center shall be permanently screened from adjoining Residential Districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line. A landscaped area at least ten (10) feet in depth, exclusive of sidewalks, must be provided along street frontage and must be located between the curb line and a line parallel to and twenty (20) feet inside the property line; other landscaping and/or screening may be required.

H. Shopping center site plan. In addition to the site plan review requirements in Article XVI herein, an application for review and approval of the site development plan for a shopping center shall include the following:

(1) A general land use map of the surrounding area showing the relationship between the proposed center and traffic arteries, public transportation, neighboring land uses, available community facilities and topographic features.

(2) The arrangement of buildings, types of shops and stores, design and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts and the relationship of the center development to the adjacent areas which it may affect.

(3) The developer shall be required to present signed lease arrangements with at least four (4) tenants, one (1) of which shall be the leading tenant, or other evidence that clearly indicates to the Commission the ability and intent of the developer to carry out the development of the center in accordance with the requirements of this chapter.

I. Developmental progress requirements. The developer shall obtain a building permit for the shopping center in accordance with the requirements of this chapter and shall begin construction of the shopping center within one (1) year after approval of the conditional use and shall make reasonable and continuous progress toward completion. The following conditions to the contrary shall apply:

(1) If the center is not under construction within the time specified herein, the Planning Commission shall review the status of the project, and if it finds the developer cannot proceed immediately in conformity with the requirements of this chapter, it shall so report to the governing body who may revoke the conditional use.

(2) Any substantial deviation from the plans submitted and approved shall constitute a violation of the building permit authorizing construction and a violation of this chapter. Substantial changes in plans must be submitted to the Planning Commission to ensure compliance with the intent and requirements of this section and of this chapter.

(3) No building permit shall be issued for any construction not in substantial conformity to the approved plan. All building permits shall be valid for twelve (12) months from date of issue and can be renewed for an additional twelve (12) months following Planning Commission review.

J. Revocation of a rezoning. Within two (2) years after land has been properly rezoned to allow a shopping center as a conditional use, the developer shall make application for review and approval of the shopping center site development plan and of a conditional use

permit. If such application has not been made or an extension of time not granted, the land may be rezoned, according to law, and returned to its previous district designations.[36]

## § 170-90. Planned unit development.

A. Intent of the planned unit development requirements. The planned unit development concept, hereinafter referred to as "PUD," is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. PUD's are intended to provide flexibility in the development of large tracts of land through the waiver of certain lot, setback and use restrictions and should provide for increased amenities, safety and conveniences, reduced public and private costs and other public and private benefits.

B. Planned unit development designation. A development shall be designated a PUD only when it meets all requirements herein and is approved by the governing body.

C. Permitted uses. Within a PUD, the following uses are permitted, subject to the approval of the governing body:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings.

(4) Townhouses.

(5) Condominiums.

(6) Commercial uses as provided in § 170-46 herein.

(7) Automobile service stations as provided in § 170-83 herein.

(8) Swimming pools and tennis courts.

(9) Marinas, docks and boating facilities of a commercial or club type.

(10) Churches, manses and parish houses.

(11) Schools.

(12) Day-care centers.

(13) Parks and playgrounds.

(14) Community centers and golf courses.

(15) Theaters, indoor.

(16) Libraries.

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[36] **Editor's Note: Former Sec. 10098, Extraction of natural resources, which immediately followed this subsection, was deleted 5-4-1993.**

(17) Signs as provided in § 170-87 herein.

(18) Other compatible uses approved by the governing body.

D. Minimum acreage for development. The minimum acreage for developing a PUD is fifteen (15) contiguous acres. Additional land area of any size may be added to an existing PUD if it is adjacent (except for public roads) thereto and forms a logical addition to the existing PUD and is being developed by the same developers.

E. Density requirements. Within a PUD, the following density requirements shall be adhered to:

| Residential Use | Public Water and Sewerage Systems (dwelling units per acre) | Public Water and On-site Sewerage System (dwelling units per acre) | Nonpublic Water and On-site Sewerage System (dwelling units per acre) |
|---|---|---|---|
| Single-family dwellings | 5 | 2 | 1.5 |
| 2-family dwellings | 8 | 4 | 3 |
| Multifamily dwellings, townhouses and condominiums | 10 | 5 | 4 |

F. Use coverage. The maximum or minimum coverage of the total land area being developed as a PUD shall not exceed the following:

(1) Residential uses: maximum of fifty percent (50%).

(2) Open space (excluding parking areas): minimum of twenty-percent usable area.

(3) Recreational uses: Minimum of ten-percent usable area.

(4) Commercial uses: Maximum of ten percent (10%).

(5) Other uses: Maximum of five percent (5%).

G. Application of minimum lot area, lot width and yard setback requirements. The minimum lot area, lot width and yard setback requirements herein and in Chapter 141, Subdivision of Land, of the Code of Appomattox County are hereby waived except as follows:

| Residential Use | Minimum Lot Area (square feet) | Minimum Width (feet) | Minimum Yard Setback Front (feet) | Side (feet) | Rear (feet) |
|---|---|---|---|---|---|
| Single-family dwellings | 4,000 | 50 | 20 | 10 | 15 |
| 2-family dwellings | 6,000 | 60 | 20 | 10 | 15 |
| Townhouses | 1,200 | 16 | 10 | (a) | 25 |

NOTES:

(a) The minimum side yard setback shall be sixteen (16) feet at each end of a group of townhouse units.

H. Maximum height of buildings. Except as provided in § 170-79 herein, the maximum height restrictions for residential and other uses within the PUD shall be as follows:

(1) Single-family dwellings: thirty-five (35) feet.

(2) Two-family dwellings: forty (40) feet.

(3) Townhouses: forty-five (45) feet.

(4) Multifamily dwellings (including condominiums): eighty (80) feet.

(5) Other uses: forty-five (45) feet.

I. Streets and utilities. All streets and utilities within the PUD shall meet the following requirements:

(1) The traffic circulation pattern, street dimensions, curbs and gutters (if provided) and curb cuts shall meet the specifications of the Virginia Department of Transportation and §§ 33.1-197 and 33.1-198, Code of Virginia 1950, as amended, and the Minimum Standards of the Entrances to State Highways and be approved by the Resident Engineer.

(2) All dwelling units shall be connected to water and sewerage systems approved by the Health Department and shall be open to inspection.

(3) If a single-family or a two-family dwelling cannot be connected to a public or common on-site sewerage system and must maintain a single on-site sewerage system, the lot area requirements of the respective zoning district in which the PUD is located shall prevail.

(4) All utilities shall be underground.

J. Parking requirements. Off-street parking and loading spaces shall meet the requirements set forth in §§ 170-28 and 170-29 herein. Required parking spaces shall be provided within the perimeter of the PUD and no farther than two hundred (200) feet from the facilities served. Off-street parking and loading areas shall be screened from residential areas and shall be designed to produce the minimum possible interference with pedestrian circulation within the PUD.

K. Maintenance of open space.

(1) The developer of the PUD shall establish a nonprofit association, corporation, trust or foundation of all individuals or corporations owning property within the PUD to ensure the maintenance of open spaces. Said organization shall conform to the following requirements:

(a) The developer must establish the organization prior to the sale of any lot or property and shall relinquish control of said organization when voted upon by the membership of the organization.

(b) Membership in the organization shall be mandatory for all property owners, present and future, within the PUD, and said organization shall not discriminate in its members or shareholders.

(c) The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and shall secure adequate liability insurance on the land and other common areas.

(d) The organization shall conform to the Condominium Act, §§ 55-79.39 through 55.79.103, Code of Virginia 1950, as amended.

(2) For all dwelling units within the PUD which are leased, the owners/managers of such units shall be responsible for such maintenance.

L. Other amenities. In addition to other requirements herein, all PUD's shall meet the following minimum requirements for recreation areas, screenings and walks:

(1) Tot lots and swimming areas shall be adequately enclosed, and all recreational areas shall be located away from the concentrations of vehicular traffic.

(2) Fencing or vegetative screening shall be provided to a height of six (6) feet and of such a density that no part of the development shall be visible to a casual observer on any side of the development abutting any yard of a residential or nonresidential structure, provided that where natural features such as topography or natural vegetation are preserved and prevent the development from being casually visible from adjoining properties, the Board of Appeals may waive requirements for screening. Fencing, where required, shall be maintained in a safe condition, shall be painted and shall be kept in good repair.

(3) Paved common walks of a width of at least four (4) feet shall be provided on at least one (1) side of all streets, and wherever concentrations of pedestrian traffic can be expected, as between recreational facilities, walks maybe incorporated into the street curb. Walk grades shall not exceed ten percent (10%); lights shall be provided sufficiently to illuminate steps.

M. Site plan requirements. In addition to the site plan review requirements of Article XVI herein, an application for review and approval of the site development plan for a PUD shall include a general land use map of the surrounding area showing the relationship between the proposed PUD and traffic arteries, public transportation, neighboring land uses, available community facilities and topographic features.

N. Revocation of a rezoning. Within two (2) years after land has been properly rezoned to allow a PUD as a conditional use, the developer shall make application for review and approval of the PUD site development plan and of a conditional use permit. If such application has not been made or an extension of time not granted, the land may be rezoned, according to the requirements herein, and returned to its previous designations.[37]

## ARTICLE XVI
## Site Plan Review

### § 170-91. Intent.

Site plan review is intended to ensure proper design in types of development for commercial, multifamily, shopping center, recreational vehicle parks and the like which can have deleterious effects on their surroundings. These effects are subject to modification or reduction through the physical design of such development. Review of the design, therefore, is aimed at the greatest possible benefit to the community as a result of building and site design.

### § 170-92. Determination of need to review; notification.

When the Zoning Administrator determines that an application involves development requiring site plan review, the Zoning Administrator shall notify the applicant that such review is required and shall require the documentation listed in this Article.

### § 170-93. Developments subject to special site plan review.

The following types of development shall be subject to the site plan review provisions under § 170-94 of this chapter:

A. All commercial and industrial and business facilities, including off-street parking.

B. All institutional facilities such as schools, hospitals and clubs.

C. All residential developments involving three (3) or more dwelling units in one (1) building or on one (1) lot. **[Amended 7-12-1993]**

D. Mobile home parks.

E. Conditional uses when specified in this chapter.

F. Conditional zoning applications.

### § 170-94. Documentation.

The following requirements shall govern documents submitted for site plan review:

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[37] **Editor's Note: Former Sec. 1011, Solid waste disposal and site requirements, and Sec. 1012, Hazardous materials storage and treatment facilities requirements, which immediately followed this subsection, were deleted 5-4-1993.**

A. Site plans shall be submitted at a scale of not less than one (1) inch equals one hundred (100) feet.

B. Two (2) clearly legible blue-line or black-line copies of the site plan shall be submitted. Additional copies may be requested as deemed necessary.

C. The names and addresses of the owner and the developer and a scale and North arrow shall be included on all maps.

D. The following information shall be included on the map of existing conditions:

(1) The names and addresses of owners of record of all adjacent properties.

(2) Current zoning boundaries, including surrounding areas to a distance of three hundred (300) feet.

(3) Easements, rights-of-way or other reservations affecting the property.

(4) Topography, if deemed necessary by the Zoning Administrator.

(5) The location of watercourses, marshes, rock outcroppings and wooded areas.

(6) The location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract are to be retained, modified or removed.

(7) Location of existing water mains, culverts, drains: pipe sizes, grades and direction of flow.

E. The following information shall be included on the map of proposed development:

(1) A statement that the development will comply with Chapter 71, Erosion and Sediment Control, of the Code of Appomattox County.

(2) The location and size of proposed buildings and uses thereof.

(3) Proposed topography, if deemed necessary by the Zoning Administrator.

(4) Proposed streets and other access and egress facilities (indicating curblines, sidewalk lines and public right-of-way lines) and profiles and cross sections of streets, provided that the specifications of § 33.1-198, Code of Virginia 1950, as amended, and the Minimum Standards of the Entrances to State Highways are met and said proposal shall be approved by the Resident Engineer.

(5) The layout of off-street parking.

(6) The location of proposed utility lines, indicating where they already exist and whether they will be underground.

(7) Proposed storm and sanitary drainage systems, both surface and subsurface, showing pipe sizes, grades, flow and design loads.

(8) The proposed location, direction of, power and time and use of outdoor lighting.

(9) Proposed plantings, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed.

(10) The location, size and design of proposed signs identifying the proposed project.

(11) Facilities for disposal of trash and other solid waste.

(12) Elevations of buildings to he built or altered on site, if deemed necessary by Zoning Administrator.

(13) A vicinity map at a scale no smaller than six hundred (600) feet to one (1) inch, showing magnetic North and all streets and property within one thousand (1000) feet of the property for which the application is made. All properties owned or controlled by the applicant in this area shall be identified. **[Amended 7-12-1993]**

F. The Planning Commission may require additional information for a conditional use to determine its eligibility under this chapter.

### § 170-95. General site plan review.

For those allowable uses not requiring special site plan review under § 170-93 of this chapter, two (2) copies of an acceptable site plan with such reasonable information shown thereon shall be submitted to the Zoning Administrator along with the zoning permit application. Such site plan shall include, as a minimum, the following:

A. Lot dimensions with property line monuments located thereon, location and size of structures.

B. Easements (private, and public).

C. Watercourses.

D. Fences.

E. Street names and street right-of-way lines.

F. Such other information regarding abutting property as directly affects the application.

## ARTICLE XVII
## Relationship to Public Bodies

### § 170-96. Intent.

This Article serves to present clearly the responsibilities of the public bodies which administer this chapter. The responsibilities include those delegated by § 15.1, Chapter 11, Articles 1 through 9, Code of Virginia 1950, as amended, as well as those responsibilities left to local option and assigned by enactment of this chapter.

### § 170-97. Board of Zoning Appeals.

The Appomattox Board of Zoning Appeals, hereinafter referred to as the "Board of Appeals," is hereby established.

## 170-97.1
## JOINT BOARD OF ZONING APPEALS
*[as adopted by the Appomattox County Board of Supervisors 2-4-02]*

A. Creation; prior ordinance repealed. Appomattox County Code §170-97, as adopted August 22, 1988, is hereby repealed. The Appomattox Board of Zoning Appeals, hereinafter referred to as the "Board," is hereby created under the authority of Code of Virginia, §15.2-2308 et seq, to serve Appomattox County and the Town of Appomattox.

B. Membership. The Board shall consist of five (5) members appointed by the Circuit Court of the County of Appomattox, with the appointments and terms of office as follows:

1. Two (2) members from the Town of Appomattox shall be initially appointed for two (2) and four (4) year terms respectively. Two (2) members from the County shall be initially appointed for two (2) and four (4) year terms respectively. One (1) at-large member shall be appointed for a five (5) year term.

2. At the request of either governing body, the circuit court may appoint not more than three (3) alternates to the Board. The qualifications, terms, and compensation of alternate members shall be the same as those of regular members.

3. Subsequent appointments shall be for terms of five (5) years each. Members may be reappointed to succeed themselves.

4. Appointments to fill vacancies shall be only for the unexpired portion of the term.

5. Members shall hold no other public office in the locality except that one (1) may be a member of the joint planning commission.

6. The Board shall elect a Chairman and a Vice Chairman from its own membership who shall serve annual terms and may succeed themselves. The Board shall also elect a Secretary who may be either one of its own members or a qualified individual who is not a member of the Board. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board. The election of officers shall be held at the first meeting of the Board, and thereafter at the Board's meeting immediately following January 1 of each year.

7. The Secretary for the Board shall notify the Circuit Court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs.

8. Any Board regular member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court which appointed them, following a hearing held after at least fifteen days' notice.

9. In the event of a vacancy or term expiration, the respective governing body shall provide formal recommendation of a replacement member or reappointment to the Circuit Court for consideration.

10. When a regular member knows that they will be absent from a meeting, they shall notify the Chairman of the Board twenty-four hours, or as soon as possible if circumstances prohibit such notice, prior to the meeting of such fact. The Chairman shall select an alternate, if provided, to serve in the absent member's place and the records of the board shall so note.

11. Members of the Board may receive such compensation as may be authorized by the respective governing bodies.

C. Rules of Procedure. The Board shall observe the following procedures:

1. The Board may make, alter, and rescind rules of procedure provided that they are in accordance with the provisions of this chapter and consistent with other local ordinances and the general laws of the Commonwealth for the conduct of its affairs.

2. The Board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing bodies at least once each calendar year.

3. All meetings of the Board shall be open to the public.

4. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to any property in which the member has an interest.

5. The meetings of the Board shall be held at the call of the Chairman or Secretary, and at such other times as a quorum of the Board may determine.

6. The Chairman or, in their absence, the Vice Chairman or Acting Chairman may administer oaths and compel the attendance of the witnesses.

7. A quorum shall be not less than a majority of the members of the Board.

8. A favorable vote of the majority of members of the Board shall be necessary to reverse any order, decision, or determination of any administrative official or to

decide in favor of the applicant on any matter upon which the Board is required to pass.

D. Duties and powers. The Board shall have the following duties and powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration and enforcement of this chapter.

2. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest when, owning to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of this chapter shall be observed and substantial justice done as follows:

   a. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of this chapter or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property or of the use or development of property immediately adjacent thereto the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.

   b. No such variance shall be authorized by the Board unless it finds that all three (3) of the following conditions apply:

      (1) The strict application of this chapter would produce undue hardship;
      (2) Such hardship is not shared generally by other properties in the same district and the same vicinity; and
      (3) Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

   c. No such variance shall be authorized except after notice and hearing as required by Code of Virginia, §§15.2-2204 and 2205, as amended. However, when giving any required notice to the owners, their agents, or

the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered mail or certified mail.

d. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

e. In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be in compliance.

3. To hear and decide appeals from the decisions of the Zoning Administrator as provided in §170-9 of this chapter.

4. To hear and decide applications for interpretation of the Zoning Map where there is any uncertainty as to the location of a district boundary, utilizing the rules for determining the boundaries as prescribed in §170-16 of this chapter. After notice to the owners of the property affected by any such question and after public hearing with notice as required by Code of Virginia, §15.2-2204, as amended, the Board may interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or zoning district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by this chapter.

5. No provision of this chapter shall be construed as granting the Board the power to re-zone property, to grant conditional uses, or to base Board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing bodies.

E. Expenses. Within the limits of funds appropriated by the governing bodies, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive such compensation as may be authorized by the governing bodies.

A. Membership. A Board consisting of five (5) members shall be appointed by the Circuit Court of the county, with the appointments and terms of office as follows:

(1) The Board of Appeals members appointed hereunder shall serve respectively for terms of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years. Subsequent appointments shall be for terms of five (5) years each. Members may be reappointed to succeed themselves.

(2) No member shall hold any public office; however, one (1) member may be a member of the Commission.

(3) A member whose term expires shall continue to serve until his successor qualifies and is appointed.

(4) The Secretary of the Board of Appeals shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.

(5) Any member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the Circuit Court after hearing held after at least fifteen (15) days' notice.

B. Rules of procedure. The Board of Appeals shall observe the following procedures:

(1) The Board of Appeals shall adopt rules in accordance with the provisions of this chapter and consistent with other local ordinances and general laws of the commonwealth for the conduct of its affairs.

(2) The Board of Appeals shall elect a Chairman and a Vice Chairman from its own membership who shall serve annual terms and may succeed themselves. The Board of Appeals shall elect a Secretary who may be either one (1) of its own members or a qualified individual who is not a member of the Board of Appeals. A Secretary who is not a member of the Board of Appeals shall not be entitled to vote on matters before the Board of Appeals. The election of officers shall be held at the first meeting of the Board of Appeals after July 1 of each year.

(3) The Board of Appeals shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body at least once each year.

(4) All meetings of the Board of Appeals shall be open to the public.

(5) Any member of the Board of Appeals shall he disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

(6) The meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as a quorum of the Board of Appeals may determine.

(7) The Chairman or, in his absence, the Vice Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses.

(8) A quorum shall be at least four (4) members.

(9) A favorable vote of at least four (4) members of the Board of Appeals shall be necessary to reverse any order, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board of Appeals is required to pass.

C. Duties and powers. The Board of Appeals shall have the following duties and powers:

(1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter.

(2) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of this chapter shall be observed and substantial justice done as follows:

(a) When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property or of the use or development of property immediately adjacent thereto the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property or where the Board of Appeals is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.

(b) No such variance shall be authorized by the Board of Appeals unless it finds that all three (3) of the following conditions apply:

[1] The strict application of this chapter would produce undue hardship;

[2] Such hardship is not shared generally by other properties in the same district and the same vicinity; and

[3] The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(c) No such variance shall be authorized except after notice and hearing as required by § 15.1-431, Code of Virginia 1950, as amended.

(d) No variance shall be authorized unless the Board of Appeals finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

(e) In authorizing a variance, the Board of Appeals may impose such conditions regarding the location, character and other features of the proposed structure for

use as it may deem necessary in the public interest and may require a guaranty or bond to insure that the conditions imposed are being and will continue to be complied with.

(3) To hear and decide appeals from the decisions of the Zoning Administrator as provided in § 170-9 of this chapter.

(4) To hear and decide applications for interpretation of the District Map where there is any uncertainty as to the location of a district boundary, utilizing the rules for determining boundaries as prescribed in § 170-16 of this chapter. After notice to the owners of the property affected by any such question and after public hearing with notice as required by § 15.1-431, Code of Virginia 1950, as amended, the Board of Appeals may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The Board of Appeals shall not have the power to change substantially the locations of district boundaries as established by this chapter.

(5) No provision of this chapter shall be construed as granting the Board of Appeals the power to rezone property or to grant use variances.[38]

D. Financing the Board of Appeals. Within the limits of funds appropriated by the governing body, the Board of Appeals may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board of Appeals may receive such compensation as may be authorized by the governing body.

E. Appeals to the Board of Appeals. Requests for conditional uses, administrative review or variances shall follow procedures specified by Article III herein.

F. Decision of Board of Appeals.

(1) Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any taxpayer or officer, department, board or bureau of the local governing body may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

(2) Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the appeals and on due cause shown, grant a restraining order.

(3) The Board of Appeals shall not be required to return the original paper acted upon by it, but it shall be sufficient to return certified or sworn copies thereof of such portions

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38 **Editor's Note: Former Subsection 6, which pertained to requests for conditional use permits for single mobile homes and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, said Court may take evidence or appoint a Commission of the Court to take such evidence as the Court may direct and report the same to the Court with the finding of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(5) Costs shall not be allowed against the Board of Appeals unless it shall appear to the Court that it acted in bad faith or with malice in making the decision appealed from. In the event that the decision of the Board is affirmed and the Court finds that the appeal was frivolous, the Court may order the person or persons who requested the issuance of the writ of certiorari to pay costs incurred in making a return of the record pursuant to the writ of certiorari. **[Amended 7-12-1993]**

### § 170-98. Planning Commission.

The Commission shall serve in an advisory capacity to the local governing body and the Board of Appeals in the administration of this chapter. Specifically, the Commission will have the following responsibilities:

A. To review the applications for amendments to the text of this chapter or to the Official Zoning Map and make recommendations to the local governing body as necessary and in accordance with § 170-8 herein.

B. To review application for conditional use permits and to make recommendations to the Board of Appeals or the governing body, if requested by said Board or governing body, and in accordance with § 170-6 herein.

C. To review and make comments and/or recommendations on special matters referred to the Commission by the local governing bodies or Board of Appeals required in this chapter or for the purpose of carrying out the intent of this chapter.

### § 170-99. Governing body.

The governing body shall have the following responsibilities in the administration of this chapter:

A. To review and decide requests for amendments to the text of this chapter as specified in § 170-8 herein.

B. To review and decide requests for amendments to the Official Zoning Map as specified in § 170-8 and Article IV herein.

C. To review and decide requests for zoning permits for conditional uses. **[Amended 7-12-1993]**

ARTICLE XVIII
**Enforcement; Violations and Penalties**

### § 170-100. Compliance required by persons issuing licenses and permits.

All departments, officials and public employees of the governing body who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

### § 170-101. Complaints regarding violations.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record such complaint, immediately investigate and take action thereon provided by this chapter.

### § 170-102. Violations and penalties. [Amended 7-12-1993]

Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars ($1,000.). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided.

## Article XIX
## Planned Industrial Park districts (M-IP)[1]
## (Added August 7, 2000)

### § 170-103 Intent

A. Intent. Planned industrial park districts are intended to provide for industrial plants developed at moderate to low densities and with high standards of building and site design. These districts can be mapped in close proximity to residential areas and are particularly appropriate along regional highways, where they can serve to improve the attractiveness and amenity of these highways to the benefit of the traveler, the community and the individual plant owner. Properties should be of at least one hundred (100) acres in size and shall submit with the zoning application a site plan for review by the Zoning Administrator as stated in § 170-93.

B. In any planned industrial district M-IP, as indicated on the official zoning map, no lot, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any use which is in conflict with any ordinance of the County of Appomattox now existing or hereinafter enacted. No use shall be allowed unless listed below as a use by right, as a permitted accessory use or as a use permitted by conditional use permit.

### § 170-104 Special Regulations

A. Special regulations. The following special regulations shall apply in planned industrial park districts (M-IP):

1. Required setbacks and other open areas not needed for operations shall be landscaped and such landscaping shall be maintained at all times.
2. Required set backs shall be as follows for a planned industrial district:
   a. A minimum of seventy-five (75) feet from any adjoining agricultural, residential, village center or historic district.
   b. A minimum of twenty (20) feet from any adjoining commercial or industrial district. Lots within the planned industrial district shall also adhere to the minimum twenty (20) feet set back requirement.
3. No use shall be permitted which produces objectionable noise or smell, unshielded light, dust, or any other airborne nuisance which is perceptible beyond the property line of each zoning lot.
4. All manufacturing, processing, testing, and similar operations shall be contained completely within buildings or structures.
5. Refuse collection areas and bulk loading operations, including a loading and unloading berth, shall be screened from view from all public streets or common boundaries with residential districts. These facilities shall be screened using

[1] Editor's Note: Name of district changed from M-2 to M-IP by Board of Supervisors on December 3, 2001.

construction materials or earth berms or landscaping that provides a year round screen. This regulation shall not apply to parking or recreational facilities, except that such facilities shall be screened from any adjacent residential development.

**§ 170-105 Prohibited Uses**

A. Prohibited uses. The following uses are specifically prohibited in planned industrial districts:

1. Fuel Storage yards.
2. Contractors storage yards.
3. Lumber yards.
4. Sawmills.
5. Stonework.
6. Abattoirs (Slaughter House)

**§ 170-106 Permitted Uses**

A. Uses permitted by right. The following uses shall be permitted by right in a planned industrial district:

1. Dwellings and agricultural uses existing at the time the land is zoned in this district.
2. Adhesive products (manufacturing).
3. Air conditioning, refrigerated equipment (manufacturing).
4. Apparel and accessories, hosiery and lingerie (manufacturing)
5. Artisans and craft work
6. Automatic temperature controls (manufacturing)
7. Automobile and truck parts (manufacturing)
8. Bakery goods (manufacturing)
9. Battery (manufacturing)
10. Blankbooks, looseleaf binders, and devices (manufacturing)
11. Blueprinting and photostating establishments.
12. Bookbinding
13. Books, publishing, and printing
14. Bottling and beverage works
15. Box (manufacturing)
16. Broom and brush (manufacturing)
17. Business machine, typewriters, adding machines, calculators, card punching or counting equipment (manufacturing)
18. Camera and photographic equipment (manufacturing)
19. Candy (manufacturing)
20. Canvas (manufacturing).
21. Carpentry and cabinet making shops
22. Ceramic products (manufacturing).
23. Chemical apparatus (manufacturing).

24. Communication equipment (manufacturing).
25. Communications systems service (manufacturing and fabrication).
26. Computer centers
27. Computer (manufacturing).
28. Confection (manufacturing).
29. Costume jewelry, costume novelties, buttons, and miscellaneous notions (except precious metals) (manufacturing).
30. Cosmetics and toiletries (manufacturing).
31. Curtains and draperies (manufacturing).
32. Cutlery, hand tools and general hardware (manufacturing).
33. Dairies and/or pasteurizing plants
34. Data processing service
35. Depositories for storage of office records, microfilm, or computer tapes
36. Dental equipment and supplies (manufacturing).
37. Dental laboratory services.
38. Die casting
39. Distribution center
40. Drugs (manufacturing).
41. Dyeing establishments
42. Electrical appliance, components and instrument (x and fabrication)
43. Electric cogeneration plants.
44. Electrical equipment (manufacturing and fabrication)
45. Electronic components and instruments (manufacturing and fabrication)
46. Electrical transmission and distribution equipment (manufacturing).
47. Electrical lighting and wiring equipment (manufacturing).
48. Electrical testing laboratories
49. Electroplating
50. Engineering, laboratory and scientific and research instruments, equipment (manufacturing).
51. Envelope (manufacturing).
52. Extracts, food and flavor (manufacturing).
53. Fence (manufacturing).
54. Food products (manufacturing) other than fish, sauerkraut, vinegar, or yeast, or the refining or rendering of fats or oils
55. Furniture and fixtures (manufacturing).
56. Glass products (manufacturing).
57. Greeting cards (manufacturing).
58. Hardware and tools (manufacturing).
59. Hats, caps, and millinery (manufacturing).
60. Ice, natural and dry (manufacturing).
61. Ice cream (manufacturing).
62. Ink products (manufacturing).
63. Instruments, professional, scientific and controlling (manufacturing).
64. Insulating material (manufacturing).

65. Jewelry, silverware and flatware (manufacturing).
66. Laboratories (research and testing)
67. Laboratory apparatus (manufacturing).
68. Lace goods (manufacturing).
69. Latex (fabrication, not including paint)
70. Leather products (manufacturing, not to include tanning)
71. Lithographing
72. Luggage (manufacturing, not to include tanning)
73. Machinery and machine, household and office (manufacturing).
74. Machine shops
75. Machine tools, light (manufacturing).
76. Medical equipment (manufacturing).
77. Medical instruments (manufacturing).
78. Metal finishing
79. Metal products and machinery, medium and light (manufacturing and fabrication)
80. Milk and dairy products (processing and distribution)
81. Motorcycles (manufacturing and fabrication)
82. Motor freight terminals
83. Musical instruments and parts (manufacturing).
84. Newspapers, publishing and printing
85. Novelty products (manufacturing).
86. Off street parking lots incidental to industrial activities.
87. Office, general, directly related to industrial activities
88. Office building (with a minimum of twelve thousand (12,000) square feet of gross floor area.)
89. Office, computing and accounting machines (manufacturing).
90. Ophthalmic goods (manufacturing).
91. Optical equipment (manufacturing).
92. Optical instruments and lenses (manufacturing).
93. Orthopedic, prosthetic and surgical supplies (manufacturing).
94. Orthopedic and medical appliances (manufacturing).
95. Packaging and paper products manufacturing from previously prepared materials
96. Perfumes (manufacturing).
97. Pharmaceutical (manufacturing).
98. Photoengraving
99. Photographic equipment and supplies (manufacturing).
100. Photographic film (manufacturing and processing)
101. Polish (manufacturing).
102. Porcelain enamel products (manufacturing and fabrication)
103. Pottery and chinaware (manufacturing).
104. Plastics (fabrication)
105. Printing and publishing

106. Professional, scientific and controlling instruments; photographic and optical goods, watches and clocks, clockwork operated devices and parts (manufacturing).
107. Radio and television sets (manufacturing).
108. Research, development and testing laboratories
109. Retail/ wholesale display rooms fro sales at industrial establishments of products manufactured on site and other products of the corporation provided the display does not exceed fifteen (15) percent of the total floor area.
110. Rope, fibrous (manufacturing).
111. Rubber fabrication
112. Rugs (manufacturing).
113. Shoe (manufacturing).
114. Signs and advertising displays (manufacturing).
115. Silverware, plate and sterling (manufacturing and fabrication)
116. Spices (manufacturing and processing)
117. Sporting and athletic goods (manufacturing).
118. Starch (manufacturing).
119. Static transformer stations, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and non-commercial radio and television poles and appurtenances thereto.
120. Telephone exchanges
121. Textile mills products (manufacturing and fabrication)
122. Tobacco products (manufacturing).
123. Toiletries (manufacturing).
124. Tool, die or pattern making shops
125. Toys and games (manufacturing).
126. Trade expositions
127. Twine, fibrous (manufacturing).
128. Umbrellas, parasols and canes (manufacturing).
129. Warehousing and storage, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards, or the storage of combustibles prohibited by the fire code.
130. Wax and wax products (manufacturing).
131. Wearing apparel (manufacturing).
132. Welding and blacksmith shops
133. Wholesale establishments with a building area of five thousand (5,000) square feet or more. A portion of the establishment may be used for retail display area, provided the retail sales (a) do not exceed fifteen (15) percent of the total building area, and (b) are not used for second hand (consignment) merchandise or auction centers and do not require outdoor storage such as lumber yards, wholesale warehouses for the sale of motor vehicles, farm, or heavy construction equipment.
134. Window blinds, shades and awnings (manufacturing).
135. Wire (manufacturing).
136. Wood products (manufacturing).

137. Wool processing
138. Other uses determined by the board of supervisors to be of similar character to and compatible with the above uses.

**§ 170-107 Accessory Uses**

A. Permitted accessory uses. The following uses shall be permitted as accessories to principal uses in the restricted industrial districts:

1. Food service facilities expressly designed for the use of an establishment or group of establishments located in the district.
2. Recreational facilities for employees of establishments in the district.
3. Care centers for employer-sponsored child day care or elder day care when located on the same property as the primary industrial use.
4. Retail stores, not including warehouse sales, planned and built as part of a manufacturing or processing operation, dealing in the products produced in such operations, intended primarily for the exhibition and promotion of those products as well as their sale.
5. Warehouses and storage facilities, except as prohibited in § 170-105 above; manufacturing uses, except as prohibited in § 170-106(A)(130) above, meeting other regulations of this section; wholesale establishments.
6. Accessory and temporary buildings as outlined in Article XV, § 170-82
7. Other uses as determined by the board of supervisors to be customarily accessory to uses permitted in this district.

**§ 170-108 Conditional Uses**

A. Uses permitted by conditional use permit. The following uses shall be permitted as conditional use permit in planned industrial districts:

1. Heliports, helistops, and STOL-ports: provided, that such facilities meet all applicable federal, sate, and local regulations and are located at least one-half (½) mile from any residential district.
2. Public and community recreation facilities.
3. Business incubators
4. Training centers for employees and/or potential employees of establishments within the district.
5. Telecommunications towers and facilities

**§ 170-109 Standards**

A. Standards

1. Height regulations. The height regulations are defined in Article XIV, § 170-79.
2. Yards. The yard requirements are defined in Article XIV, §§170-77, 78, 80, & 81.
3. Signs. Sign regulations are defined in Article XV, § 170-87.

4. Area regulations. No parcel zoned planned industrial district M-2 shall be subdivided into tracts of land less than three (3) acres.
5. Parking. Parking regulations are defined in Article V, § 170-28.
6. Site Plan review. All zoning applications involving a planned industrial district shall be required to meet the requirements of site plans as listed in Article XVI. Planned industrial districts are subject to special site review, § 170-93, by the Zoning administrator and must comply with sections 170-94 to the satisfaction of the Zoning Administrator.

# ARTICLE XX
# TELECOMMUNICATIONS FACILITY ORDINANCE
***(adopted April 16, 2001 by Appomattox County Board of Supervisors)***

**§170-110. Intent.**
In order to accommodate the communications needs of residents and businesses while protecting the public health, safety, and general welfare of the community, this Article is necessary in order to:

(A) Facilitate the provision of wireless telecommunications services to County residents and businesses, as well as to those traveling through the County;

(B) Minimize adverse visual effects of towers through careful design and siting standards;

(C) Preserve the unique historical resources of Appomattox County;

(D) Avoid potential damage to adjacent properties from tower failures through structural standards and setback requirements;

(E) Maximize the use of existing towers and buildings to accommodate new wireless telecommunications facilities in order to reduce the number of towers needed to serve the community and to encourage co-location; and

(F) Encourage the location of towers in more populated areas and minimize the total number of towers throughout the County.

**§170-111. Definitions.**
As used in this Article, the following terms shall have the meanings indicated:

(A) *Co-location.* The location of telecommunications facilities of more than one commercial wireless communications service provider or governmental entity on a single tower or alternative tower structure.

(B) *Height.* When referring to a tower, the distance measured from ground level to the highest point on the tower, even if said highest point is telecommunications facility.

(C) *Service provider.* Any person or corporation that provides telephonic, radio, or television communications.

(D) *Stealth design.* Any tower design that seeks to camouflage or conceal the tower within its proposed surroundings, e.g., towers designed to appear as trees, clock towers, bell

steeples, utility poles or the like, or telecommunications facilities mounted with alternative design mounting structures that demonstrate stealth design elements.

(E) *Telecommunications Facility.* Any exterior apparatus or device designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.

(F) *Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more telecommunications facilities, including self-supporting lattice towers, guy towers, or monopole towers. The term includes but is not limited to personal communications service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

(G) *Tower site.* The area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing, and other items used in conjunction with said tower.

**§170-112. Telecommunications facility submission requirements.**

All applications for both permitted and conditional uses under this section must include the following information. Failure to provide all or part of this information may result in the denial of the permit application.

(A) Towers.

(1) Site Plan. A detailed site plan must be submitted showing structural design, setback distances from property lines, and proposed equipment buildings.

(2) Service provider report. A listing of service provider(s) that have contracted with the tower owner to utilize the proposed tower including dates of lease execution and expiration, including copies of the front and back pages of the lease for each service provider. This is to ensure that the applicant is not constructing a tower to "attract" potential lessees.

(3) Proof of infeasibility of co-location. Written evidence demonstrating that the applicant's telecommunications equipment cannot be accommodated on an existing or approved tower or other structure within a one-mile search radius (one-half mile search radius for towers under 120 feet in height, one-quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing tower or other structure and the existing tower or other structure cannot be reinforced, modified or replaced. This information must be prepared by a licensed professional engineer

(b) The applicant's proposed telecommunication facility would cause electromagnetic interference with other equipment on the existing tower, or other structures would cause interference with the applicant's proposed telecommunications facility. Documentation must show that the interference cannot be prevented at a reasonable cost. This information must be prepared by a licensed professional engineer

(c) Existing towers within the search radius are not of sufficient height to function reasonably. This information must be prepared by a licensed professional engineer

(d) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding any new tower construction over the term of the formal lease period are presumed to be unreasonable.

(e) Tower site inventory report. An inventory of existing sites within the County or within 5 miles of the border thereof must be submitted, including specific information about location, height, existing use, and available capacity of each tower.

(B) Co-location. All co-locations must provide a site plan showing structural design of the equipment to be located on an existing tower or structure including any additions to the total height of the tower or structure. The site plan must also show any equipment to be installed at the base of the tower or structure and the setback distances from the property lines.

(C) Additional requirements for all applications.

(1) Propagation maps (or "cell size") of provider's equipment at different heights.
(2) Propagation maps of provider's equipment on other nearby towers.
(3) Evidence of Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) approval, where applicable.

**§170-113. Permitted Uses.**

(A) Co-locations in the following zoning districts: A-1, B-1, M-1, and M-2, provided that the height of the existing structure is not increased more than 20 feet of its original permitted height.

(B) New construction towers that do not exceed 50 feet that are proposed for siting in all districts except for H-1 and the Flood Hazard District (FH).

(C) New construction towers that do not exceed 199 feet in height that are proposed for siting in a B-1, M-1, and M-2 zoning district, provided the site does not border a lot zoned H-1, R-1, R-2, or V-1.

(D) If in the zoning administrator's opinion an application for permitted use may have an adverse impact on surrounding properties, whether adjacent to the applicant's parcel or not, the zoning administrator may require the applicant to obtain a conditional use permit. Adverse impact may include but is not limited to proximity to nearby homes and businesses or areas of historical interest.

**§170-114. Conditional Uses.**

(A) New construction towers that do not exceed 199 feet in height that are proposed for siting in an A-1, B-1, M-1, or M-2 zoning district bordering an H-1, R-1, R-2, or V-1 district.

(B) New construction towers that exceed 199 feet in height that are proposed for siting in an A-1, B-1, M-1, or M-2 zoning district.

**§170-115. Conditional Use Procedures.**

(A) Factors for Review. In determining whether to issue a conditional use permit under this section, the Board of Supervisors shall consider the following factors:

(1) Height of the proposed tower;
(2) Proximity of the tower to residential structures and residential district boundaries;
(3) Nature of the uses on adjacent and nearby properties;
(4) Surrounding topography;
(5) Surrounding tree coverage and foliage;
(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
(7) Proposed ingress and egress;
(8) Co-location policy;
(9) Language of the lease agreement dealing with co-location;
(10) Consistency with the comprehensive plan and the purposes to be served by zoning;
(11) Availability of suitable existing towers and other structures;
(12) Need for tower because of gaps in wireless service to the proposed coverage area.

(B) Submission requirements. All applicants for conditional use permits must submit the information outlined in §170-112 and §170-115(A). Applicants choosing the "stealth design" option must also comply with §170-115(C).

(C) "Stealth Design" Option. The "stealth design" option conditional use process allows an applicant to site a new construction tower in the H-1, R-1, R-2, and V-1 districts upon the filing and approval of a site plan that incorporates stealth design elements. Applicants who choose this option must also comply with the submission requirements outlined in §170-115(B). A tower proposal will fall within the Stealth Design Option if it meets the following:

(1) Tower is disguised to fit in aesthetically with its surroundings and to conceal its presence. This includes but is not limited to the following:
   (a) Designed as a tree to be placed among similar looking trees;
   (b) Designed as a functional flagpole, light pole, or utility pole for placement at a commercial or industrial facility, public building, or within an existing utility easement;
   (c) Designed as a new or concealed within an existing bell tower, church steeple or clock tower;
   (d) The above designs and any alternative designs offered by the applicant are subject to the review and approval of the Planning Commission.

(2) All utility buildings and structures accessory to a tower are architecturally designed to blend in with the surrounding environment.

(3) Landscaping requirements.
   (a) Tower sites shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent properties.
   (b) The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing. The zoning administrator or Planning Commission shall provide guidelines as to the height and type of buffer to be constructed or planted, and may require additional buffers in situations where the standard buffer would be inadequate.
   (c) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
   (d) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(D) Pre-application meeting. Prior to submitting an application for conditional use permit for a tower or co-location, the applicant shall meet with the county planner or designee to discuss the proposed location of the tower, the location of all existing and planned towers which the applicant owns, operates, or co-locates on within the County, the feasibility of co-locating (in the case of new tower applications), and other project elements. Failure to schedule and attend a pre-application meeting shall preclude the acceptance and processing of a conditional use permit application.

(E) Historical Impact. Where a proposed tower site is within 1000 feet of the Appomattox County Historical Park, the Board of Supervisors shall request and consider input from

the U.S. Department of the Interior to determine the level of adverse impact upon the Park. The Board of Supervisors can disapprove a conditional use permit application based upon any adverse impact that a proposed tower may have on the Park.

**§170-116. Prohibited Uses.**

(A) New construction under 199 feet and co-locations are not permitted by right or conditional use in the H-1, R-1, R-2, or V-1 districts unless application is made for under the "stealth design" option conditional use procedure.

(B) New construction towers that exceed 199 feet proposed for siting in the H-1, R-1, R-2, or V-1 districts.

(C) Towers of any height are not permitted in the Flood Hazard (FH) district.

**§170-117. Setbacks.**

(A) All towers shall be set back 110% of the height of the proposed tower from all property lines. Towers, guy wires, fencing, and accessory facilities must also satisfy the minimum setback requirements for the district in which siting is proposed, unless these requirements are less restrictive than the 110% height setback.

(B) Additional setback requirement from residences. New construction towers shall be set back a minimum of 200% of the height of the tower from any nearby residential structure, and in no case less than 400 feet.

**§170-118. Signage, lighting, and fencing.**

(A) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. Signs are permitted on the equipment buildings, fencing, or on the ground provided that the sign complies with all other County signage regulations.

(B) Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or the County. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

(C) Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

**§170-119. Accommodation of future co-location uses.**

(A) Any proposed telecommunications tower and tower site shall be designed structurally, electrically, and in all respects to accommodate co-location of both the applicant's telecommunications facility and comparable telecommunications facilities for at least two additional users if the tower height is 199 feet or less, and three additional users if the tower height is 200 feet or greater. Tower and tower sites shall be designed to allow for future rearrangement of telecommunications facilities upon the tower, to accept telecommunications facilities mounted at varying heights, and to accommodate supporting buildings and equipment on the tower site.

(B) The holder of a conditional use permit for a tower shall not make co-location on the tower and tower site for additional users economically or technically unfeasible. If additional user(s) provide credible evidence that the holder of a tower permit has made co-location on such tower and tower site economically or technically unfeasible, the zoning administrator shall issue a notice of zoning violation. Failure to comply or to appeal the decision to the Board of Supervisors shall result in the revocation of the conditional use permit.

(C) Local government access. The holder of a conditional use permit for a tower shall provide the County with co-location opportunities as a community benefit for radio and emergency services provided there are no conflicts with §170-119(A).

**§170-120. Removal of abandoned telecommunications facilities and towers.**

Any tower that is not operated for a continuous period of twelve (12) months shall be considered a nuisance. In such circumstances, the following shall apply:

(A) The owner of such telecommunications facility or tower or owner(s) of the property where the tower site is located shall remove the telecommunications facility and/or tower including all supporting equipment and building(s) within 90 days of receipt of an abandonment notice from the County Building Inspector. If removal to the satisfaction of the zoning administrator does not occur within 90 days, the County may remove and salvage the telecommunications facility or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Any such owner affected by this provision shall have the opportunity to appeal the zoning administrator's decision to the Board of Zoning Appeals within 30 days of receipt of abandonment notice.

(B) The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and the owner of the tower, telecommunications facility or facilities, and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal. The agreement shall also identify that the

agreement shall be binding on future property owner(s) and future owner(s) of a tower, telecommunications facility or facilities, and all supporting equipment and building(s).

**§170-121. Yearly Report.**

The owner of each telecommunications facility or tower shall submit a report to the zoning administrator and Commissioner of Revenue once per year, no later than July 1, stating the following information:

(A) Current user status of the tower

(B) Estimated value of the tower including any subsequent additions or improvements.

**§170-122. Review Fees.**

Any costs incurred for review by a licensed professional engineer or other technical expert for any of the above required information shall be paid by the applicant. It shall also be the applicant's responsibility to pay all costs associated with stealth design conditional use applications.

**§170-123. Appomattox County Public Safety Communications System.**

(A) The tower owner shall be responsible for correcting any frequency problems which affect the Appomattox County Public Safety Communications System caused by a permitted or conditional use granted under this Article. Corrections shall be made immediately upon notification by certified mail from the Appomattox County Administrator's Office. Failure to correct can result in the revocation of zoning and/or conditional use permits for the tower in question and fines provided by Article XVIII.

(B) Tower owners shall comply with all county requirements pertaining to the reception and processing of wireless communications calls by the county's Public Safety Answering Point (PSAP) facilities.

## APPENDIX
## SUMMARY OF PERMITTED AND CONDITIONAL USES

| Zoning District | Co-Location | New Tower < 50 feet | New Tower 51 - 199 feet | New Tower 200' or more |
|---|---|---|---|---|
| A-1 | P * | P | C | C |
| B-1 | P * | P | P ** | C |
| H-1 | C/S | C/S | C/S | X |
| M-1 | P * | P | P ** | C |
| M-2 | P * | P | P ** | C |
| R-1 | C/S | P | C/S | X |
| R-2 | C/S | P | C/S | X |
| V-1 | C/S | P | C/S | X |
| FH | X | X | X | X |

**KEY**

P Permitted use

C Conditional use permit required

C/S Conditional use permit/stealth design option required

X Not permitted

P * Conditional Use Permit required if structure height is increased by more than 20 feet.

P ** Conditional Use Permit required if property borders H-1, R-1, R-2, or V-1 district.

# ARTICLE XXI
# SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS, GENERALLY
*[As approved by the Appomattox County Board of Supervisors 2-4-02]*

## §170-124 Purpose and Intent

The purpose of the special public interest overlay districts established in this Chapter 170 is to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside the overlay districts. It is the intent of the governing body to permit, insofar as possible, those uses and structures which would otherwise be permitted, provided that reasonable and necessary conditions are met which ensure the protection and enhancement of said lands and structures. It is the further intent of the governing body to specifically protect and enhance the following:

(A) Intensive livestock, dairy, and poultry facilities.

## §170-125 General Standards

(A) The special public interest overlay districts established in this Article generally operate by establishing performance standards to effectuate the purposes of the district. Except as otherwise provided, they do not supersede the requirements of the underlying district. The strictest or most restrictive standard shall apply in the event of conflict.

(B) Land lying within the special public interest overlay districts shall remain part of the underlying zoning districts established by other provisions of this Chapter; and may, in addition, lie in one or more overlay districts in accordance with the designation of each.

## §170-126 Creation of Special Public Interest Overlay Districts

(A) Amendments to this Chapter or to the Zoning Map shall be adopted in accordance with the provisions of §170-8, Proposals for zoning amendments.

(B) Every recommendation for creation of a special public interest overlay district or addition of land thereto shall address the following, if applicable:

(1) A statement of purpose and intent shall specify the nature of the special and substantial public interest involved and objectives to be promoted by creation of the special public interest overlay district and imposition of the regulations proposed therefor.

(2) Proposed district boundaries shall be depicted on one or more maps which shall also display all other zoning districts applicable to the property proposed for inclusion in the district.

(3) Regulations proposed to promote the special purposes of the district.

(C) Regulations proposed with any special public interest overlay district shall be designed to reasonably promote the purposes of the district, and may require or address any of the following, in addition to or in lieu of other regulations affecting property within the district:

(1) Submission of specifically detailed site plans, building plans, elevations and maps showing the relation of proposed development to surrounding or otherwise affected property in terms of location, scale or intensity, character, and continuity.

(2) Protection of features designated as being of special concern within the district.

(3) Mixtures or limitations of permitted uses.

(4) Special performance standards and development regulations.

(5) Other matters as appropriate to promote the special public interests of the district.

(D) Regulations for any special public interest overlay district may require special review of the development plans by the zoning administrator generally within the district or for specified classes of uses within the district.

(E) Procedure for amending zoning map to include overlay district:

(1) An application must be submitted, in writing, to the Zoning Administrator and must be accompanied by two (2) copies of an acceptable site plan, where applicable, which identifies the areas to be included in the overlay district by Appomattox County Tax Map number. Other reasonable information may be required by the Zoning Administrator or as delineated in applicable provisions of this Zoning Ordinance.

(2) The Zoning Administrator shall submit the application to the Planning Commission for review. The Commission shall consider the proposed amendment after notice and public hearing in accordance with §15.2-2285, Code of Virginia 1950, as amended. The Commission shall present its recommendations to the governing body. If the Commission fails to submit its recommendation to the governing body within ninety (90) days of the first

meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment.

(3) The governing body shall consider the proposed amendment after notice and hearing in accordance with §15.2-2285, Code of Virginia 1950, as amended, and shall take action on the proposed amendment within ninety (90) days from the date of the public hearing.

(4) Any petition for zoning amendment may be withdrawn prior to action thereon by the governing body at the discretion of the person, firm, or corporation initiating such a request, upon written notice to the Zoning Administrator.

(5) A property owner or his appointed agent shall not initiate action for a zoning amendment affecting the same parcel of land more often that once every twelve months.

**§170-127 Waivers**

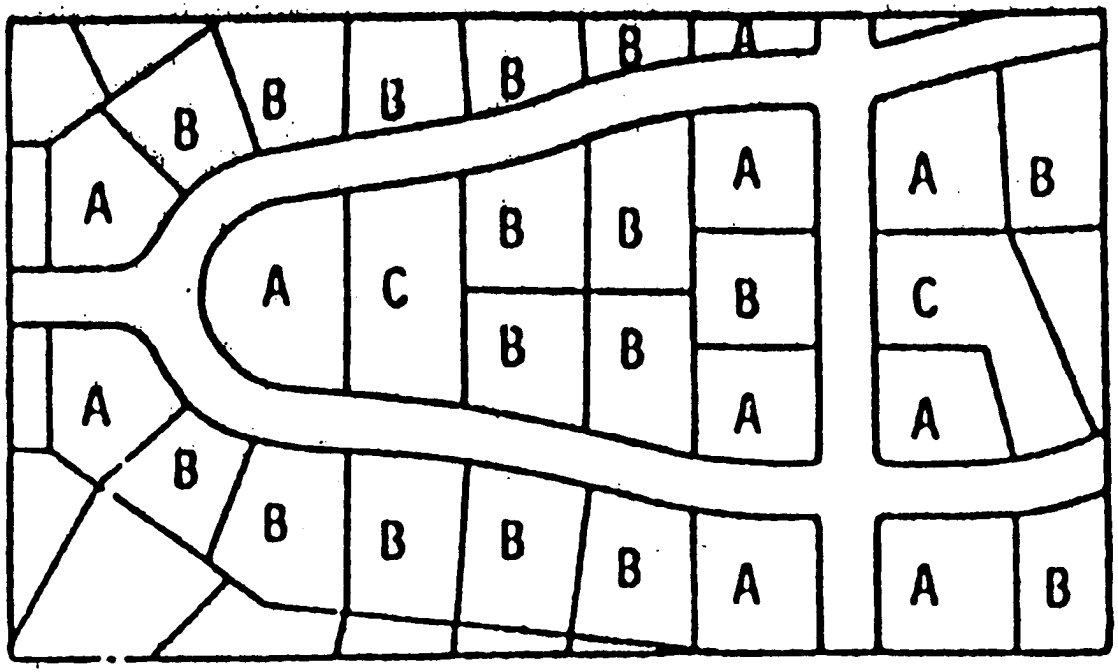
No waiver may be granted from any regulation or restriction imposed in any special public interest overlay district except as specifically provided in the regulations for such district.

**§170-128 Mapping of Special Interest District**

Upon approval of a special public interest overlay district, a map of the district boundaries shall be incorporated into the zoning maps of the county.

# FIGURE 1

**This illustrates the basic types of lots.**




A = Corner lot
B = Interior lot
C = Through (or double frontage) lot

FIGURE 2

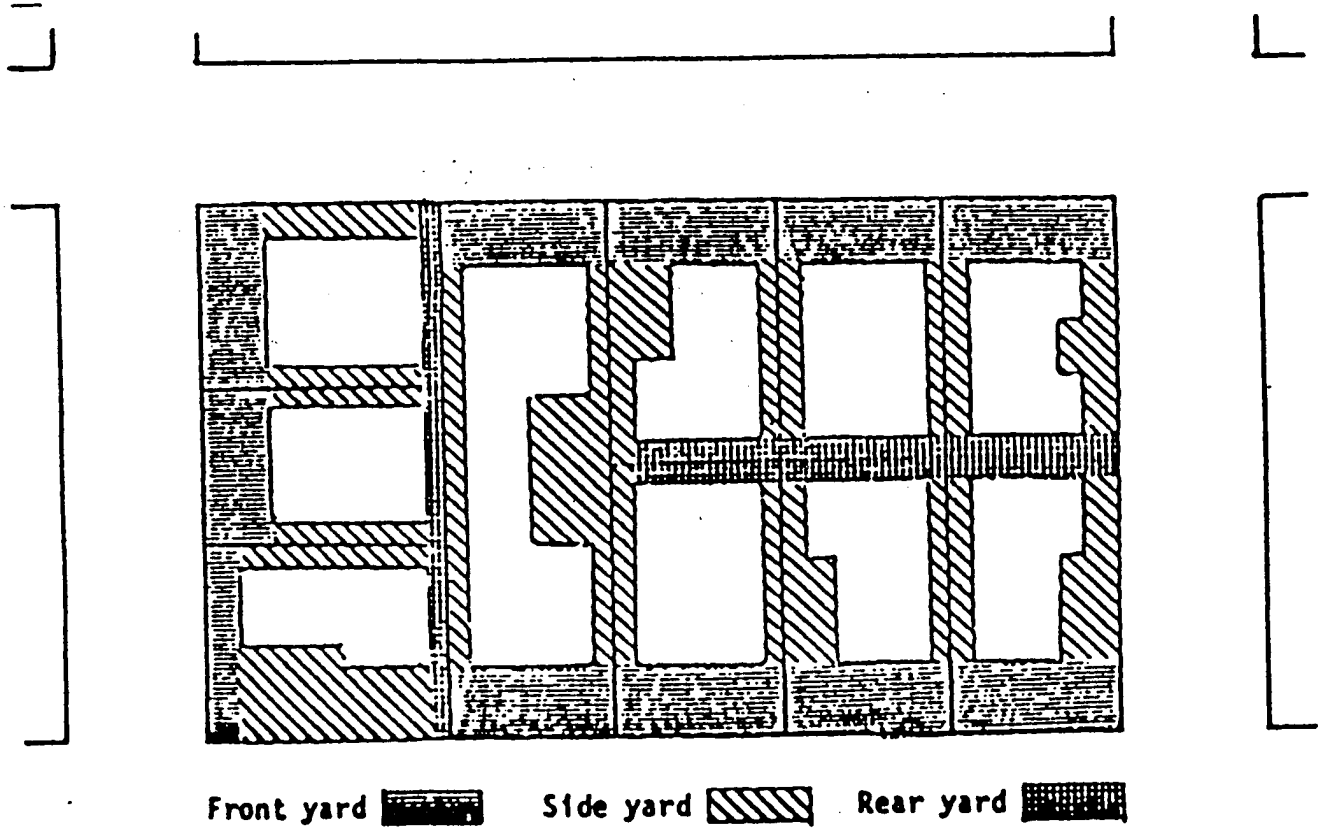


**TABLE 1**
**MINIMUM LOT AREA AND LOT WIDTH FOR RESIDENTIAL USES**

| | Public Water and Sewerage | | | Public Water and On-Site Sewerage | | | Non-public Water and On-Site Sewerage | | |
|---|---|---|---|---|---|---|---|---|---|
| | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Corner Lot Width (feet) | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Corner Lot Width (feet) | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Corner Lot Width (feet) |
| A-1 Agricultural | | | | | | | | | |
| Single-family* | 43,560 | 150 | 150 | 43,560 | 150 | 150 | 43,560 | 150 | 150 |
| 2-family | 43,560 | 150 | 150 | 43,560 | 150 | 150 | 43,560 | 150 | 150 |
| R-1 Residential | | | | | | | | | |
| Single-family | 20,000 | 110 | 125 | 20,000 | 110 | 125 | 30,000 | 125 | 135 |
| R-2 General Residential | | | | | | | | | |
| Single-family | 10,000 | 80 | 100 | 15,000 | 80 | 100 | 25,000 | 100 | 125 |
| 2-family | 11,000 | 100 | 125 | 16,000 | 100 | 125 | 25,000 | 100 | 125 |
| Multifamily | 2,000** | 100 | 125 | 2,000** | 100 | 125 | Not permitted | | |
| V-1 Village Center | | | | | | | | | |
| Single-family* | 25,000 | 110 | 125 | 25,000 | 110 | 125 | 25,000 | 125 | 135 |
| 2-family | 43,560 | 125 | 125 | 43,560 | 125 | 125 | 43,560 | 150 | 150 |
| B-1 Commercial | | | | | | | | | |
| (no residential uses) | | | | | | | | | |
| M-1 Industrial | | | | | | | | | |
| (no residential uses) | | | | | | | | | |
| H-1 Historic | | | | | | | | | |
| Single-family | 25,000 | 125 | 135 | 25,000 | 125 | 135 | 43,560 | 150 | 150 |

NOTES:

* Includes mobile homes.

** Per residential unit square footage for three (3) or more units in addition to the square footage allotted two (2) residential units under two-family category.

**TABLE 2**
**MAXIMUM LOT COVERAGE AND HEIGHT RESTRICTIONS/MINIMUM YARD REQUIREMENTS**
**[Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I]**

| | Front Yard/Corner Lot Setback | | | | Nonpublic Water and On-Site Sewerage | | Other Water and Sewerage Systems Combination | | Minimum Yard Setback Requirements for Accessory Buildings | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Residential Maximum Lot Coverage (percent)(d) | Maximum Height Restrictions (feet) | Prescriptive Easement (measured from center line) (feet) | State Owned Right-of-Way (measured from right-of-way line) (feet) | Side Yard Setback (feet) | Rear Yard Setback (feet) | Side Yard Setback (feet) | Rear Yard Setback (feet) | Front Yard Setback (feet) | Side Yard Setback (feet) | Rear Yard Setback (feet) |
| A-1 Agricultural | | | | | | | | | | | |
| All uses | 15 | 40 | 75 | 50 | 25 | 35 | 25 | 35 | (c) | 15 | 15 |
| R-1 Residential | | | | | | | | | | | |
| All uses | 25 | 35 | 60 | 35 | 15 | 35 | 15 | 35 | (c) | 15 | 15 |
| R-2 General Residential | | | | | | | | | | | |
| Single-/2-family | 25 | 35(a) | 60 | 35 | 15 | 35 | 10 | 25 | (c) | (c) | (c) |
| Multifamily | 40 | 45 | 60 | 35 | Not permitted | | 10 | 25 | (c) | (c) | (c) |
| Other uses | None | (b) | 60 | 35 | 15 | 35 | 10 | 25 | (c) | (c) | (c) |
| V-1 Village Center | | | | | | | | | | | |
| Single-family(e) | 25 | 40 | 75 | 50 | 15 | 35 | 15 | 35 | (c) | 15 | 15 |
| 2-family | 15 | 40 | 75 | 50 | 15 | 35 | 15 | 35 | (c) | 15 | 15 |
| Other uses | None | 40 | 75 | 50 | 15 | 35 | 15 | 35 | (c) | 15 | 15 |
| B-1 Commercial | | | | | | | | | | | |
| All uses | None | 40 | 50 | 25 | (b) | (b) | (b) | (b) | (c) | (c) | (c) |
| M-1 Industrial | | | | | | | | | | | |
| All uses | 70 | 50 | 35 | 20 | (b) | (b) | (b) | (b) | (c) | (c) | (c) |
| H-1 Historic | | | | | | | | | | | |
| All uses | 20 | 35 | 75 | 50 | 25 | 35 | 25 | 35 | (c) | (c) | (c) |

NOTES:

(a) Dwellings in the R-2 District may be increased ten (10) feet and up to three (3) stories, provided that there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

(b) No minimum requirement, except that no building or structure shall be erected within ten (10) feet of a Residential or Agricultural District.

(c) Same as main building.

(d) There is no maximum lot coverage for commercial, industrial and other uses, except as provided herein in special circumstances and/or as may be required by the appropriate governing body, commission and/or Board of Appeals; and it does not apply to lots of record as described in § 170-27A herein.

(e) Includes mobile homes.

# APPENDIX

# DISPOSITION
# LIST

# DISPOSITION LIST

The following is a chronological listing of legislation of Appomattox County adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the Appomattox County offices. The last legislation reviewed for the original publication of the Code were the ordinances adopted 7-12-1993. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the Appomattox County offices.

| Adoption Date of Legislation | Subject | Disposition |
|---|---|---|
| 9-13-1993 | Noise | Ch. 113, Art. II |
| 9-13-1993 | Semiannual collection of real estate taxes | Ch. 147, Art. XV |
| 3-6-1995 | Election of School Board members | Ch. 15, Art. II |
| 6-5-1995 | Restaurant inspections amendment | Ch. 129, Art. I |
| 6-5-1995 | Tradesmen amendment | Ch. 151 |
| 8-7-1995 | Solid waste collection and disposal amendment | Ch. 139, Art. I |
| 1-2-1996 | Compact for enforcement of vehicle decals | Ch. 162, Art. II |
| 1-2-1996 | Taxation: exemption for elderly and disabled persons amendment | Ch. 147, Art. V |
| 5-6-1996 | Animals: dogs running at large | Ch. 44, Art. II |

# INDEX

## INDEX INSTRUCTIONS

The main **INDEX**, beginning on page 1, will guide you to the legislation contained within the Code at the time the main **INDEX** was originally prepared. As new legislation is adopted, or existing legislation is amended, the Code pages are replaced by supplementary pages which include the new material, thereby causing some **INDEX** entries to become obsolete. **INDEX** entries to the new material will be provided for in the **SUPPLEMENTAL INDEX**, beginning on page SI-1.

The **SUPPLEMENTAL INDEX** should, therefore, be consulted first, since it refers to the more recent legislation. Then reference should be made to the main **INDEX**.

When received, **SUPPLEMENTAL INDEX** pages should be placed directly following this page and in front of the main **INDEX**, according to the instructions accompanying the supplement.

Numbers in the indices refer to section numbers in the Code, e.g., 39-3 is a reference to Chapter 39, Section 3.

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Monte Mayz.

Request to change the following to the code:

Changes:

$15,000 Income

exempt amount for relatives living w/ $6,500

Stay the same.

Total Net Worth $90,000

Fair Market Value ≤ $75,000
(Dwelling + 1 acre)

Put into packet for Sept 5th Mtg.

Janet needs to print tax tickets and this will go into affect in 2001

214 Va. 246, 198 S.E.2d 595 (1973) (decided under prior law).

**But an award of punitive damages can be supported only by proof of actual malice.** F.B.C. Stores, Inc. v. Duncan, 214 Va. 246, 198 S.E.2d 595 (1973) (decided under prior law).

**§ 17.1-281. Assessment for courthouse construction, renovation or maintenance.** — Any county or city, through its governing body, may assess a sum not in excess of two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. The total assessments authorized by any county or city in a civil action pursuant to this section and § 42.1-70 shall not exceed four dollars. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring its payment. (1990, c. 543, § 14.1-133.2; 1991, c. 689; 1992, cc. 698, 863; 1998, c. 872; 1999, c. 9; 2002, c. 831.)

**The 2002 amendments.** — The 2002 amendment by c. 831, effective July 1, 2003, inserted "misdemeanor, or traffic infraction case" in the second sentence in the last paragraph.

**OPINIONS OF THE ATTORNEY GENERAL**

**Use of funds to maintain courthouses.** — Funds derived from the fee assessed pursuant to the statute may be used to defray increases in the cost of heating, cooling, electricity, and routine maintenance of courthouses located within the city, but may not be used to pay the entire cost of utilities and routine courthouse maintenance. See opinion of Attorney General to The Honorable Margaret P. Spencer, Judge, Circuit Court of the City of Richmond, 01-028 (4/27/01).

**§ 17.1-282:** Reserved.

**§ 17.1-283. Statements required of clerks of courts of record; exceptions.** — A. Every clerk of a court of record, except the Clerks of the Supreme Court and the Court of Appeals, shall file monthly with the Compensation Board a full and accurate statement showing all such fees, allowances, commissions, salaries or other compensation or emolument of office, derived from the Commonwealth or any political subdivision thereof, or from any other source whatever, collected or received by him. The statements shall include the date of collection and sources from which the collections were made, and shall be verified by a procedure agreed upon by the Compensation Board and the Auditor of Public Accounts. The statements shall be open to public inspection at all times.

Chapter 147 Taxation
Article XVI

# ASSESSMENT OF REAL ESTATE DEVOTED TO AGRICULTURAL AND HORTICULTURAL

**Adopted: June 16, 2008**

147-48 **Findings of fact.**

The board of supervisors finds that the preservation of real estate devoted to agricultural, and horticultural uses within the county is in the public interest and, having heretofore adopted a land-use plan, hereby ordains that such real estate shall be taxed in accordance with the provisions of Code of Virginia, article 4 of chapter 32 of title 58.1(§58.1-3229 et seq.), and of this article.

147-49 **Application for classification and assessment generally.**

(a) The owner of any real estate devoted for agricultural or horticultural use meeting the criteria set forth in Code of Virginia, §§58.1-3230 and 58.1-3233(2), may on or before November 1, of any year, make an application to the commissioner of revenue for the classification, assessment and taxation of such property for the next succeeding year on the basis of its use, under the procedures set forth in Code of Virginia, §58.1-3234. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of revenue and shall include such schedules, photographs and drawings as may be required by the commissioner of revenue. Applications shall be filed annually, on or before November 1 of each year, if special assessment is desired to be continued. However, upon the payment of a late filing fee at the rate of twenty-five cents ($0.25) per acre on the total acreage, with a minimum charge of twenty-five dollars ($25.00) an owner may file an application within no more than sixty (60) days after the filing deadline specified herein.

(b) In any year in which a general reassessment is being made, a property owner may submit the application provided for in this section by November 1 or within thirty (30) days of the mailing of his notice of increase in assessment, whichever is later.

(c) A separate application shall be filed under this section for each parcel on the land book. An application shall also be submitted whenever the use or acreage of land previously approved changes.

(d) An application fee at the rate of fifteen cents ($0.15) per acre of the total acreage, with a minimum fee of fifteen dollars ($15.00) per individual owner, shall be paid to the treasurer of the county for each application filed under this section. Upon the payment of such application fee, together with the payment of a late filing fee to the treasurer, at the rate of twenty-five cents

($0.25) per acre on the total acreage, with a minimum charge of twenty-five dollars ($25.00), an owner may file a late application within no more than sixty (60) days after the filing deadline specified in this section. These fees may be changed from time to time by resolution of the board of supervisors.

147-50 **Revalidation of previously approved applications.**

Any previously approved application filed under section (County Code Section) shall be revalidated annually. The owner shall, on or before December 5 of each year, file a request for revalidation of his application on forms provided by the commissioner of revenue. There shall be a revalidation fee at the rate of fifteen cents ($0.15) per acre on the total acreage, with a minimum fee of fifteen dollars ($15.00) per individual owner, which fee shall be charged for revalidation for the 2015 tax year and at six-year intervals thereafter, and which shall be paid to the treasurer of the county. However, upon the payment of a late filing fee to the treasurer, at the rate of twenty-five cents ($0.25) per acre on the total acreage, with a minimum charge of twenty-five dollars ($25.00), an owner may file a late revalidation request after December 5, but prior to December 31. For the years in which a revalidation fee is due, this late filing fee shall be in addition to the revalidation fee. These fees may be changed from time to time by resolution of the board of supervisors.

147.51 **Determinations by commissioner of revenue.**

(a) Promptly upon receipt of any application under this article, the commissioner of revenue shall determine whether the subject property meets the criteria for use value assessment and taxation under this article, subject to the provision of the Code of Virginia, §§58.1-3230 and 58.1-3233. If the commissioner of revenue determines that the subject property does not meet such criteria, the commissioner shall determine the value of such property for its qualifying use as well as its fair market value.

(b) Minimum acreage requirements:

(1) Real estate devoted to agricultural or horticultural use shall consist of a minimum of five (5) acres.

(2) The foregoing requirements for minimum acreage shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots titled in the same ownership. For purposes of this section, properties separated only by a public right-of-way are considered contiguous.

(c) If the commissioner of revenue determines that the property does meet such criteria, he/she shall determine the value of such property for its qualifying use, as well as its fair market value. If the commissioner of revenue

determines that the property does not meet such criteria, he/she shall deny the application and notify the applicant of the denial in writing.

(d) In determining whether the subject property meets the criteria for "agricultural use" or "horticultural use" the commission of revenue may request an opinion from the commissioner of agricultural and consumer services. Upon the refusal of the commissioner of agriculture and consumer services to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth by the respective director, the party aggrieved may seek relief from the Circuit Court of Appomattox County. If the court finds in his favor it may issue an order, which shall serve in lieu of an opinion of the purposes of this article.

147.52 **Land book entries; tax to be extended from use value.**

The use value and fair market value of any property qualifying under this article shall be placed on the land book before delivery to the county treasurer and the tax for the next succeeding tax year shall be extended from the use value.

147.53 **Roll-back tax when use changes to non-qualifying use.**

(a) There is hereby imposed a roll-back tax and interest thereon, in such amounts as may be determined under Code of Virginia, §58.1-3237, with the rate of interest the same as that for delinquent taxes, upon any property as to which the use changes to a non-qualifying use under this article.

(b) The owner of any real estate liable for roll-back taxes shall report to the commissioner of revenue, on forms to be prescribed, any change in the use of such property to a non-qualifying use and shall pay the roll-back tax then due. On failure to report and pay within sixty (60) days following such change in use, such owner shall be liable for an additional penalty equal to ten (10) percent of the amount of the roll-back tax and interest, which penalty shall be collected as a part of the tax. In addition such penalty, there is hereby imposed interest of one-half (1/2) percent of the amount of the roll-back tax, interest and penalty, for each month or fraction thereof during which the failure continues.

147.54 **Misstatements in application filed under article.**

Any person making a material misstatement of the fact in any application filed pursuant to this article shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the county, together with interest and penalties thereon, and the owner shall be further assessed with an additional penalty of one hundred (100) percent of such unpaid taxes.

147-55. **Applicability of general tax law.**

The provision of Code of Virginia, title 58.1, applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation under this article *mutatis mutandis* including, without limitation, provisions relating to delinquency, tax liens and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

## ORDINANCE TO AMEND APPOMATTOX COUNTY CODE

Add subsection "F" to Section 139-4, to read as follows:

F. Tire Collection Program:

1. Tires will be accepted for disposal only at the Appomattox County Waste Management and Recycle Facility.
2. Only passenger or light pick-up tires will be accepted.
3. Any individual disposing of tires must be a resident of Appomattox County and may only dispose of a maximum of eight tires within any fiscal year ( July 1-June 30) period.

Amend Section 139-6 Violations and Penalties by replacing "Code of Virginia, Sec. 15.1-505" with "Code of Virginia Sec. 15.2-1429".

Amend Sec. 139-3 as follows:

In Section B. - omit "Commercial outlets and"

Add a new Subsection B-1 Commercial establishments may only dispose of solid waste into said containers according to the following rules:

1- Not more than one disposal per week the volume of which shall not exceed the area of the bed of a standard ( eight foot) pick-up truck.

2- Unlimited disposal of recyclable materials, but the volume of disposal at each visit shall not exceed the area of the bed of a standard ( eight foot ) pick-up truck.

3- The individual disposing of said solid waste must sign a register at each visit.

4- Recyclable materials must be separated from other solid waste.

5- Only the convenience center located nearest the site of the commercial establishment may be utilized for said solid waste disposal.

ADOPTED 10/5/09 EFFECTIVE 10/5/09

what Campbell County did, and this is the only method we can use without losing an entire year of collecting the fee. The way the ordinance is written there is an assessment of your motor vehicle which is subject to the license fee – January 1 of this year (2006). You will pay your tax on December 5, 2006 but this will license you for the year 2007. The alternative to that is if we had waited until 2007 we would have lost the entire year's license fees, which the County could not afford to do. The elimination of the decal will save the County a considerable amount of money by not having to have the decals printed up.

Mr. Carter thanked Mr. Overstreet and asked if anyone wished to make comments on this ordinance change.

Having no one to speak, Mr. Carter closed the Public Hearing at 6:08 p.m.

_____
Samuel E. Carter, Chairman

On Wednesday, July 5, 2006, the Appomattox County Board of Supervisor's held its regularly scheduled meeting at 6:30 p.m. at the Appomattox County Community Center located on Community Lane, in Appomattox, Virginia.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
Johnnie Roark – County Planner
John G. Overstreet – County Attorney



Mr. Moore made a motion, seconded by Mr. Armbrust, to approve the **INDUSTRIAL DEVELOPMENT ORDINANCE** as follows: Title of Chapter 25 and Section 25-2 to change the name of the organization to **Economic Development Authority**. This change will more clearly reflect the purpose of the organization. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Craft made a motion, seconded by Mr. Conrad, to approve the amendment of **Chapter 51 – Building Construction, Appomattox County Code** as follows: to formally adopt the Uniform Statewide Building Code (2003) and the Statewide Fire Prevention Code (2003). Ordinance would change the name of the department from Office of Building & Housing to **Office of Building Inspections.**

# NUMERICAL INDEX OF AMENDMENTS
# TO MARCH 2000 APPOMATTOX COUNTY ZONING ORDINANCE

*Editor's Note:* The list below reflects amendments to the Appomattox County Zoning Ordinance since the issuance of the March 2000 printed edition. The amendments are effective as of the October 2003 compilation of this Index.

| Section | Amendment |
|---|---|
| 170-3 | AMEND: 170-3, Definition of "lot width" |
| 170-21 | ADD: New subsection (G) to 170-21, Uses exempt from zoning permit |
| 170-23 | AMEND: 170-23, Second Dwelling on Lot |
| 170-33 | AMEND: 170-33(A)(25) -- Right to Farm Act amendment<br>ADD: 170-33(A)(26) -- Right to Farm Act amendment |
| 170-34 | REPEAL: 170-34(A)(9), 170-34(A)(30) -- Right to Farm Act amendment |
| 170-36 & 170-37 | Mobile Homes in R-1 for elderly/infirmed family members<br>REPEAL: 170-36(A)(8), Permitted uses<br>ADD: 170-37(A)(8), Conditional uses |
| 170-81 | AMEND: 170-81, Requirements for accessory buildings |
| 170-82 | AMEND: 170-82(B)(3) -- Right to Farm Act amendment |
| 170-97 & 170-97.1 | REPEAL: 170-97, Board of Zoning Appeals<br>ADD: 170-97.1, Joint Board of Zoning Appeals |
| 170-103 to 170-109 | ADD: Article XIX, Planned Industrial Park District (M-IP) |
| 170-110 to 170-123 | ADD: Article XX, Telecommunications Facility Ordinance |
| 170-124 to 170-128 | ADD: Article XXI, Special Public Interest Overlay Districts, Generally |
| 170-129 to 170-136 | ADD: Article XXII, Agricultural A-1 Intensive Farming Overlay District, Intensive Livestock, Dairy, Poultry Facilities |
| TABLE 2 | AMEND: Table 2, Minimum Lot Coverage and Height Restrictions/Minimum Yard Requirements |

# CHRONOLOGICAL INDEX OF AMENDMENTS TO MARCH 2000 APPOMATTOX COUNTY ZONING ORDINANCE

*Editor's Note:* The list below reflects amendments to the Appomattox County Zoning Ordinance since the issuance of the March 2000 printed edition. The amendments are effective as of the October 2003 compilation of this Index.

| Adoption Date | Amendment |
|---|---|
| 8/7/2000 | ADD: Article XIX, Planned Industrial Park District (M-IP) [170-103 to 170-109] |
| | * Name change from M-2 to M-IP adopted 12/3/2001. |
| 12/4/2000 | AMEND: Table 2, Minimum Lot Coverage and Height Restrictions/Minimum Yard Requirements |
| 4/16/2001 | ADD: Article XX, Telecommunications Facility Ordinance [170-110 to 170-123] |
| 12/17/2001 | AMEND: 170-23, Second Dwelling on Lot |
| 2/4/2002 | Right to Farm Act Amendments:<br>REPEAL: 170-34(A)(9), 170-34(A)(30)<br>ADD: 170-33(A)(26)<br>AMEND: 170-33(A)(25), 170-82(B)(3) |
| 2/4/2002 | ADD: Article XXI, Special Public Interest Overlay Districts, Generally [170-124 to 170-128] |
| 2/4/2002 | ADD: Article XXII, Agricultural A-1 Intensive Farming Overlay District, Intensive Livestock, Dairy, Poultry Facilities [170-129 to 170-136] |
| | * Addition of provisions on biosolids adopted 7/1/2003. |
| 2/4/2002 | REPEAL: 170-97, Board of Zoning Appeals<br>ADD: 170-97.1, Joint Board of Zoning Appeals |
| 10/7/2002 | AMEND: 170-3, Definition of "lot width" |
| 2/4/2003 | Residential Accessory Building Amendments<br>AMEND: 170-81, Requirements for accessory buildings<br>ADD: New subsection (G) to 170-21, Uses exempt from zoning permit |

| | |
|---|---|
| 9/2/2003 | Mobile Homes in R-1 for elderly/infirmed family members<br>REPEAL: 170-36(A)(8), Permitted uses<br>ADD: 170-37(A)(8), Conditional uses |

At the regular meeting of the Board of Supervisors of the County of Appomattox, Virginia, held at the CVCC-Appomattox Center on the 18th day of June, 2012, beginning at 6:30 p.m.

**AN ORDINANCE TO AMEND AND READOPT THE APPOMATTOX COUNTY ZONING ORDINANCE BY REVISING CERTAIN PROVISIONS OF THE ZONING ORDINANCE TEXT AND READOPTING CERTAIN PROVISIONS AS DESCRIBED IN THE FOLLOWING PARAGRAPHS**

**BE IT HEREBY ORDAINED,** that the Appomattox County Zoning Ordinance is hereby amended and readopted containing the text revisions described as follows:

## Text Amendment

DELETE Current Section 170-87.12 (7), which read as follows:

> Sign height for free-standing signs shall not exceed eighteen (18) feet above average grade.

AMEND to read as:

**§170-87.11 Signs in A-1, R-1, R-2 and R-3 Districts**

2. Signs for other permitted uses shall be permitted when such signs do not exceed an aggregate area of *thirty-two (32)* square feet for each use. Such signs may be illuminated by either backlighting or direct light provided no light from any illuminated sign shall cause direct glare on to any adjoining property or public right-of –way.

3. One (1) subdivision identification sign not exceeding *one-hundred (100)* square feet may be erected at each main entrance to the development. The maximum area of the sign may be on one (1) sign or divided into two (2) signs located on each side of the subdivision entrance road.

**§170-87.12 Signs in B-1, V-1, M-1, IP, HO and PUD Districts**

1. Building mounted signs (roof sign) shall face only upon an abutting street or an abutting parking lot on the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed *forty (40)* square feet *unless the building wall is longer than one-hundred (100) linear feet. Building walls longer than one-hundred (100) linear feet shall not exceed one (1) sign equal to one (1) square foot of sign area for every one (1) linear foot of building frontage measured corner to corner.* Newly constructed groups of buildings shall have unified and/or coordinated building mounted signs. *Total aggregate sign area for the unified/coordinated sign plan shall not exceed to one (1) square foot of sign area for every one (1) linear foot of building frontage measured corner to corner.*

3. One (1) free-standing sign structure permanently fixed to the ground may be erected for each use, on each street, on which a lot abuts, provided such sign structure does not extend beyond the lot line nor shall such signs be located closer than seventy-five (75) feet from each other. The aggregate area of the free-standing sign shall not exceed *one-hundred (100)* square feet *along Richmond Highway and twenty-four (24) feet high or forty (40) square feet and fifteen (15) feet high for all other locations.* Sign bases, uprights, poles, or other support located under the sign shall not count toward the calculation.

4. When a group of buildings is coordinated into a business or shopping area (business park, industrial park, shopping center, mall, etc.), one (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which the area abuts, provided such sign structure does not extend beyond the lot line nor shall such signs be located closer than seventy-five (75) feet from each other. Sign bases, uprights, poles, or other support located under the sign shall not count toward the calculation. The aggregate face area shall not exceed thirty-two (32) square feet for the first business or tenant. The aggregate face area may be increased in increments of ten (10) square feet for each subsequent business or tenant up to a maximum aggregate face area of *three* hundred (*300*) square feet *along Richmond Highway or one-hundred sixty (160) square feet for all others.*

RENUMBER §170-87.12 (8) to §170-87.12 (7) as follows:

7. One sign with the word "open" (neon or otherwise) shall be permitted per use, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign area.

All other sub-sections of Section 170-87.11 and 12 shall remain unchanged.

**Severability**
Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

**Effective Date**
This ordinance is effective upon adoption.

After reviewing the public testimony, the public record, the Planning Commission's recommendation, and the goals and objectives of the County's Comprehensive Plan, Supervisor _____made a motion, seconded by Supervisor _____ to amend and readopt the Appomattox County Zoning Ordinance by revising certain provisions of the Zoning Ordinance text as described in the attached ordinance.

Voting YES: Samuel E. Carter, Ronald C. Spiggle, Gary W. Tanner, William H. Craft, Jerry N. Small
Voting NO: None

Absent: None

_____
Jerry Small, Chairman
Board of Supervisors

Attest

_____
Aileen T. Ferguson, Clerk

# Chapter 139

# SOLID WASTE


**ARTICLE I**
**Collection and Disposal**

**§ 139-1. Definitions.**
**§ 139-2. Preparation of garbage for collection.**
**§ 139-3. Use of sanitary landfill containers.**
**§ 139-4. Collection practices.**
**§ 139-5. Unlawful disposal, operation and transportation activities; place of licensing.**
**§ 139-6. Violations and penalties.**
**§ 139-7. Fee Schedule.**

**ARTICLE II**
**Solid Waste Containers and Littering**

**§ 139-8. Unlawful activities.**
**§ 139-9. Violations and penalties.**


**\HISTORY: Adopted by the Board of Supervisors of Appomattox County: Art. I, as Ch. 10 of the 1978 Code; Art. II, at time of adoption of Code 7-12-1993 (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable. ]**

**GENERAL REFERENCES**

**Outdoor burning — See Ch. 54.**

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## ARTICLE I
## Collection and Disposal[1]

### § 139-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DISPOSAL — The storage, collection, disposal or handling of solid waste.

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[1] **Editor's Note: For state law as to the authority of the county to provide for trash removal, see Code of Virginia, § 15.1-11. As to the authority of the county to regulate disposal services, see Code of Virginia, § 15.1-28.1.**

GARBAGE — All animal, vegetable and mineral wastes resulting from the handling, preparation, cooking or consumption of foods and beverage and including, but not limited to, cans, bottles, food containers, paper containers and cardboard containers.

INDUSTRIAL WASTE — All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses and steel mills.

RESIDENTS — Those persons residing in the county outside the incorporated limits of any town or city.

RUBBISH — All other solid wastes not included in the term "garbage," and includes but is not limited to large metal objects, wood and brush and building demolition or other nonputrescible solid wastes.

SANITARY LANDFILL — That site or those sites operated by the established by the County and permitted by the State Department of Health for the disposal of solid waste.

SOLID WASTE — All refuse, except body wastes, and shall include garbage and rubbish.

**§ 139-2. Preparation of garbage for collection.**

All garbage shall be drained free of liquids before being placed in the storage containers.

**§ 139-3. Use of sanitary landfill containers. [Amended July 5, 2006]**

A. Sanitary landfill containers shall be provided by the Board of Supervisors for the disposal of bags of household garbage only and for the express use of county residents. [**Amended July 5, 2006]**

B. Commercial outlets must transport their solid waste directly to the landfill site for disposal.

C. It shall be unlawful to place dead animals, manure or rubbish in any landfill container. These items can be brought directly to the landfill site.

D. It shall be unlawful to litter container sites or to place any solid waste outside the container.

E. It shall be unlawful to salvage in or around any container site or dumpster.

F. Violation of this section shall be a Class 3 misdemeanor.

## § 139-4. Collection practices. [Amended July 5, 2006]

A. Place of collection. Landfill containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector.

B. Frequency of collection. County landfill containers shall be collected once weekly by the county. **[Amended 06-05-06]**

C. Licensing of collectors.

(1) No commercial refuse collector shall collect, remove, haul or convey any solid waste through or upon any of the streets or alleys of the county or dispose of the same in any manner or place without obtaining a license from the Board of Supervisors.

(2) The fee of such license shall be two hundred fifty dollars ($250.00) per annum, and all licenses shall be issued for the calendar year so such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year. **[Amended 06-05-06]**

(3) Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.

(4) No license shall be granted if the place and method of disposal shall not conform to the requirements of this chapter.

(5) No licensed collector shall make any change in the arrangements for disposal or refuse collection by him without first receiving the approval of the Board of Supervisors.[2]

D. Collection vehicles. It shall be unlawful to collect, haul, transport or convey garbage except in enclosed vehicles or containers.

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[2] **Editor's Note: Former Subsection (6), which pertained to a fee for all private commercial collectors for use of the county sanitary landfill and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

E. Rights to use of landfill. The residents of the Town of Appomattox and the Town of Pamplin City will have the same right to use of the County landfill as any other County resident so long as the Town of Appomattox administers the landfill or until a substitute agreement has been reached by the County and the respective towns.

### § 139-5. Unlawful disposal, operation and transportation activities; place of licensing. [Amended 7-18-1988]

A. It shall be unlawful to dump, store, burn, bury, destroy or otherwise dispose of garbage within the limits of the County except at the County-approved solid waste disposal site or sites or at those sites and containers so approved by the County and permitted by the Health Department.[3]

B. It shall be unlawful to establish, maintain or operated an unregulated, unlicensed dump or landfill within Appomattox County, Virginia.

C. It shall be unlawful for any person or entity to transport for disposal into the territorial boundaries of Appomattox County any garbage, trash or refuse from outside the territorial boundaries of Appomattox County without proper permit or license issued by Appomattox County as prescribed below (Subsection D). Any compacted and/or baled material must be able to be readily examined and inspected by manual means of County officials for the purposes of determining if such garbage, trash and/or refuse contains hazardous substances.

D. The place of licensing will be the Office of Building and Housing, and fees for licenses will be one thousand dollars ($1,000.00) per licensed and approved acre with a minimum license fee of five thousand dollars ($5,000.00). The subject license is renewable annually on the anniversary date or original licensing date.

### § 139-6. Violations and penalties. [Added 7-18-1988; Amended 7-12-1993]

Violation of this Article shall constitute a Class 1 misdemeanor, as provided in Code of Virginia, § 15.1-505. Each day that a person violates this Article shall constitute a separate offense, and such violation shall additionally be subject to injunctive relief in a state court of competent jurisdiction.

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[3] **Editor's Note: Former Subsection (b), which pertained to disposal of rubbish on private land and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

**§ 139-7. Fee Schedule. [Added 2-6-1989; Amended 6-21-1990; Amended 4-23-1992; Amended 5-10-1993; Amended 8-1-2000; Amended 07-05-06]**

The fee schedule shall be as follows:

A When brought to the landfill:

(1) Tires:

(a) All tires will be billed at one dollar ($1)

(b) Passenger, truck tires, farm tractor tires, and heavy equipment tires will be billed by the ton according to current Emmanuel Tire charges. **[Amended 06-05-06]**

(2) Commercial - hauler type vehicle: **[Amended 8-1-2000]**

(a) Loose Load:
[1] Fifty dollars ($50) per ton

(b) Compacted load:
[1] Fifty dollars ($50) per ton

B. Business/Industry (if not picked up by a commercial hauler or otherwise disposed of at landfill): **[Amended 8-1-2000]**

(1) Users shall be charged a monthly rate of five dollars ($5) per cubic yard of disposal capacity.

C. All dead animals (large): twenty-five dollars ($25) each.

D. Local governments are exempt from these fees.

E. Commercial haulers must register with the landfill office and pay an annual license fee of two hundred fifty dollars ($250). Commercial haulers will be charged for waste generated from both residential and business customers, and rates will be the same as in Subsection A above. **[Amended 8-1-2000]**

Only waste generated in Appomattox County will be accepted at the Appomattox County Landfill.

F. County residents shall be allowed to deposit up to six (6) tons per calendar year of solid waste generated by their own residence without charge. (This does not include tires.)

Over six (6) tons per year will be charged the same fee as in the fee schedule above. **[Amended 06-05-06]**

G. Fee collection details will be as prescribed by the landfill administration office.

H. This change is to be effective August 1, 2000 and new rates will be charged at that time. Existing commercial permits must be renewed at the new rate. **[Amended 8-1-2000]**

I. The Town of Pamplin City's commercial carrier is exempt from these requirements, provided that this carrier only picks up solid waste within the corporate limits of Pamplin City.

J. There shall be no break in price quantity of tires brought to the landfill for disposal.

## ARTICLE II
## Solid Waste Containers and Littering
## [Adopted 7-12-1993]

### § 139-8. Unlawful activities.

A. It shall be unlawful for any person to place furniture, appliances, dead animals, stumps, brush, tires, explosives or fence wire in any solid waste container located in the County of Appomattox.

B. It shall be unlawful for any person to litter in or around or place anything outside any solid waste container located in Appomattox County.

### § 139-9. Violations and penalties.

Any person violating the provisions of this Article shall be guilty of a Class 3 misdemeanor.

**AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA, HELD AT THE COMMUNITY CENTER, APPOMATTOX, VIRGINIA, ON MONDAY, THE 5TH DAY OF JULY, 2006.**

## AN ORDINANCE TO AMEND AND READOPT CHAPTER 139- "SOLID WASTE" OF THE APPOMATTOX COUNTY CODE

*The purpose of this amendment is to change certain wording in Sections 139-3, 139-4, and 139-7. Also, the amendment will change certain fees charged for the collection of solid waste.*

Be it ordained that the Appomattox County Board of Supervisors does hereby amend Section 139-3(A) to read "Sanitary landfill containers shall be provided by the Board of Supervisors for the disposal of bags of household garbage only and for the express use of county residents."

Be it further ordained that the Appomattox County Board of Supervisors does hereby amend Section 139-4 (B) to read "Frequency of collection. County landfill containers shall be collected once weekly by the county."

Be it further ordained that the Appomattox County Board of Supervisors does hereby amend Section 139-4(C)(2) to read "The fee of such license shall be two hundred fifty dollars ($250.00) per annum, and all licenses shall be issued for the calendar year so such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year."

Be it further ordained that the Appomattox County Board of Supervisors does hereby amend Section 139-7(A)(1)(b) to read "Passenger, truck tires, farm tractor tires, and heavy equipment tires will be billed by the ton according to current Emmanuel Tire charges."

Be it further ordained that the Appomattox County Board of Supervisors does hereby amend Section 139-7(F) to read "County residents shall be allowed to deposit up to six (6) tons per calendar year of solid waste generated by their own residence without charge. (This does not include tires.) Over six (6) tons per year will be charged the same fee as in the fee schedule above."

Except as hereby amended the rest of Chapter 139 of the Appomattox County Code will remain in full force and effect.

As adopted this 5th day of July, 2006.

For the Board of Supervisors

_____

Samuel E. Carter, Chairman

Attest:

_____

Aileen T. Ferguson, Clerk

# ASSESSMENT OF REAL ESTATE DEVOTED TO AGRICULTURAL AND HORTICULTURAL

**Adopted: June 16, 2008**

**Findings of fact.**

The board of supervisors finds that the preservation of real estate devoted to agricultural, and horticultural uses within the county is in the public interest and, having heretofore adopted a land-use plan, hereby ordains that such real estate shall be taxed in accordance with the provisions of Code of Virginia, article 4 of chapter 32 of title 58.1(§58.1-3229 et seq.), and of this article.

**Application for classification and assessment generally.**

(a) The owner of any real estate devoted for agricultural or horticultural use meeting the criteria set forth in Code of Virginia, §§58.1-3230 and 58.1-3233(2), may on or before November 1, of any year, make an application to the commissioner of revenue for the classification, assessment and taxation of such property for the next succeeding year on the basis of its use, under the procedures set forth in Code of Virginia, §58.1-3234. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of revenue and shall include such schedules, photographs and drawings as may be required by the commissioner of revenue. Applications shall be filed annually, on or before November 1 of each year, if special assessment is desired to be continued. However, upon the payment of a late filing fee at the rate of twenty-five cents ($0.25) per acre on the total acreage, with a minimum charge of twenty-five dollars ($25.00) an owner may file an application within no more than sixty (60) days after the filing deadline specified herein.

(b) In any year in which a general reassessment is being made, a property owner may submit the application provided for in this section by November 1 or within thirty (30) days of the mailing of his notice of increase in assessment, whichever is later.

(c) A separate application shall be filed under this section for each parcel on the land book. An application shall also be submitted whenever the use or acreage of land previously approved changes.

(d) An application fee at the rate of fifteen cents ($0.15) per acre of the total acreage, with a minimum fee of fifteen dollars ($15.00) per individual owner, shall be paid to the treasurer of the county for each application filed under this section. Upon the payment of such application fee, together with the payment of a late filing fee to the treasurer, at the rate of twenty-five cents

($0.25) per acre on the total acreage, with a minimum charge of twenty-five dollars ($25.00), an owner may file a late application within no more than sixty (60) days after the filing deadline specified in this section. These fees may be changed from time to time by resolution of the board of supervisors.

**Revalidation of previously approved applications.**

Any previously approved application filed under section (County Code Section) shall be revalidated annually. The owner shall, on or before December 5 of each year, file a request for revalidation of his application on forms provided by the commissioner of revenue. There shall be a revalidation fee at the rate of fifteen cents ($0.15) per acre on the total acreage, with a minimum fee of fifteen dollars ($15.00) per individual owner, which fee shall be charged for revalidation for the 2015 tax year and at six-year intervals thereafter, and which shall be paid to the treasurer of the county. However, upon the payment of a late filing fee to the treasurer, at the rate of twenty-five cents ($0.25) per acre on the total acreage, with a minimum charge of twenty-five dollars ($25.00), an owner may file a late revalidation request after December 5, but prior to December 31. For the years in which a revalidation fee is due, this late filing fee shall be in addition to the revalidation fee. These fees may be changed from time to time by resolution of the board of supervisors.

**Determinations by commissioner of revenue.**

(a) Promptly upon receipt of any application under this article, the commissioner of revenue shall determine whether the subject property meets the criteria for use value assessment and taxation under this article, subject to the provision of the Code of Virginia, §§58.1-3230 and 58.1-3233. If the commissioner of revenue determines that the subject property does not meet such criteria, the commissioner shall determine the value of such property for its qualifying use as well as its fair market value.

(b) Minimum acreage requirements:

(1) Real estate devoted to agricultural or horticultural use shall consist of a minimum of five (5) acres.

(2) The foregoing requirements for minimum acreage shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots titled in the same ownership. For purposes of this section, properties separated only by a public right-of-way are considered contiguous.

(c) If the commissioner of revenue determines that the property does meet such criteria, he/she shall determine the value of such property for its qualifying use, as well as its fair market value. If the commissioner of revenue

determines that the property does not meet such criteria, he/she shall deny the application and notify the applicant of the denial in writing.

(d) In determining whether the subject property meets the criteria for "agricultural use" or "horticultural use" the commission of revenue may request an opinion from the commissioner of agricultural and consumer services. Upon the refusal of the commissioner of agriculture and consumer services to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth by the respective director, the party aggrieved may seek relief from the Circuit Court of Appomattox County. If the court finds in his favor it may issue an order, which shall serve in lieu of an opinion of the purposes of this article.

**Land book entries; tax to be extended from use value.**

The use value and fair market value of any property qualifying under this article shall be placed on the land book before delivery to the county treasurer and the tax for the next succeeding tax year shall be extended from the use value.

**Roll-back tax when use changes to non-qualifying use.**

(a) There is hereby imposed a roll-back tax and interest thereon, in such amounts as may be determined under Code of Virginia, §58.1-3237, with the rate of interest the same as that for delinquent taxes, upon any property as to which the use changes to a non-qualifying use under this article.

(b) The owner of any real estate liable for roll-back taxes shall report to the commissioner of revenue, on forms to be prescribed, any change in the use of such property to a non-qualifying use and shall pay the roll-back tax then due. On failure to report and pay within sixty (60) days following such change in use, such owner shall be liable for an additional penalty equal to ten (10) percent of the amount of the roll-back tax and interest, which penalty shall be collected as a part of the tax. In addition such penalty, there is hereby imposed interest of one-half (1/2) percent of the amount of the roll-back tax, interest and penalty, for each month or fraction thereof during which the failure continues.

**Misstatements in application filed under article.**

Any person making a material misstatement of the fact in any application filed pursuant to this article shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the county, together with interest and penalties thereon, and the owner shall be further assessed with an additional penalty of one hundred (100) percent of such unpaid taxes.

**Applicability of general tax law.**

The provision of Code of Virginia, title 58.1, applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation under this article *mutatis mutandis* including, without limitation, provisions relating to delinquency, tax liens and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

At the regular meeting of the Board of Supervisors of the County of Appomattox, Virginia, held at the Appomattox Community Center on the 5th day of May, 2008, beginning at 6:30 p.m.

**AN ORDINANCE TO AMEND AND READOPT THE APPOMATTOX COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE BY REVISING CERTAIN PROVISIONS OF THE ORDINANCE TEXT AS DESCRIBED IN THE FOLLOWING PARAGRAPHS.**

**BE IT HEREBY ORDAINED,** that the Appomattox County Erosion and Sediment Control Ordinance is hereby amended and readopted by revising certain provisions of the Ordinance text as described in the following:

# CHAPTER 71

# EROSION AND SEDIMENT CONTROL


**§ 71-1. Purpose.**
**§ 71-2. Authorization.**
**§ 71-3. Definitions.**
**§ 71-4. Utility and railroad companies.**
**§ 71-5. Standards; Activities not considered land disturbance activities**
**§ 71-6. Program Administrator; Plan Approving Authority; Inspectors and Plan Reviewers**
**§ 71-7. Submission and approval of plans for land-disturbing activities.**
**§ 71-8. Land disturbance permits; fees; issuance; bonds.**
**§ 71-9. Inspections, monitoring and reports; action upon determination of violation.**
**§ 71-10. Violations and penalties; additional remedies.**
**§ 71-11. Appeals and judicial review.**
**Appendix A- Alternative Inspection Program Guidelines**


**\HISTORY: Adopted by the Board of Supervisors of Appomattox County 1-10-1992; amended 2-4-02. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Subdivision of land — See Ch. 141.**

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## § 71-1 Purpose.[1]

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Appomattox County". The purpose of this Chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the County of Appomattox by establishing requirements for

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[1] **Editor's note: For state law as to erosion control, see Code of Virginia §10.1-560 et seq.**

the control of soil erosion, sediment deposition and nonagricultural runoff, sylvan and by establishing procedures whereby these requirements shall be administered and enforced.

## § 71-2 Authorization.

This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4, (Section 10.1-560 et seq.) known as the "Virginia Erosion and Sediment Control Law." Such Article provides for a comprehensive statewide program with standards and guidelines to control soil erosion and sedimentation which is implemented on the local level.

## § 71-3 Definitions.

As used in this Chapter, unless the context clearly requires a different meaning, the terms used shall have the meanings as set forth in §10.1-560 of the Code of Virginia.

A. **Agreement in lieu of a plan** means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.
B. **Applicant** means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.
C. **Board** means the Virginia Soil and Water Conservation Board.
D. **Certified Inspector** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one (1) year after enrollment.
E. **Certified Plan Reviewer** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review or (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
F. **Certified Program Administrator** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one (1) year after enrollment.
G. **Clearing** means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.
H. **County** means the County of Appomattox.

I. **Department** means the Department of Conservation and Recreation.
J. **Development** means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential units.
K. **Director** means the Director of the Department of Conservation and Recreation.
L. **District or Soil and Water Conservation District** refers to the Robert E. Lee Soil and Water Conservation District.
M. **Erosion and Sediment Control Plan or Plan** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretation and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.
N. **Erosion Impact Area** means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes (or to shorelines where the erosion results from wave action or other coastal processes).
O. **Excavating** means any digging, scooping, or other methods of removing earth materials.
P. **Filling** means any depositing or stockpiling of earth material.
Q. **Grading** means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.
R. **Land Disturbing Activity** means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include those activities listed in §71-5 (B) of this ordinance.
S. **Land Disturbing Permit** means a permit issued by Appomattox County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or fan any purpose set forth herein.
T. **Local Erosion and Sediment Control Program or Local Control Program** means an outline of the various methods employed by Appomattox County to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies, and guidelines, technical materials, inspection, enforcement, and evaluation.
U. **Natural Channel Design Concepts** means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

V. **Owner** means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a property.

W. **Peak Flow Rate** mans the maximum instantaneous flow from a given storm condition at a particular location.

X. **Permittee** means the person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Y. **Person** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Z. **Plan Approving Authority** means the County Planner or agent, responsible for determining the adequacy of a plan submitted for land disturbing activities on a unit or units of lands and for approving plans.

AA. **Program Authority** means the County of Appomattox which has adopted a soil erosion and sediment control program that has been approved by the Board.

BB. **Responsible Land Disturber** means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

CC. **Runoff Volume** means the volume of water that runs off the land development project from a prescribed storm event.

DD. **Single Family Residence** means a noncommercial dwelling that is occupied exclusively by one family.

EE. **State Erosion and Sediment Control Program or State Program** means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

FF. **State Waters** means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

GG. **Transporting** means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

HH. **Water Quality Volume** means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

## § 71-4 Utility and railroad companies.

Construction, installation, or maintenance of electric and telephone utility lines and natural gas pipelines, and the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of railroad companies must be conducted pursuant to Code of Virginia §10.1-563(D).

## § 71-5 Standards; Activities not considered land-disturbance activities.

A. Pursuant to Code of Virginia §10.1-562, the County hereby adopts the regulations, references, guidelines, standards, and specifications promulgated by the Virginia Soil and Water Conservation Board for the effective control of soil erosion and sedimentation deposition to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Said regulations, references, guidelines, standards, and specifications for erosion and sedimentation control are included in, but not limited to, the Virginia Erosion and Sediment Control Regulations, the Virginia Stormwater Management Handbook, and the Virginia Erosion and Sediment Control Handbook, as amended from time to time.

B. Before adopting or revising regulations, the County of Appomattox shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the County of Appomattox is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the County of Appomattox proposes or revises regulations that are more stringent than the state program.

In addition, in accordance with §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

In accordance with §10.1-561 of the Code of Virginia, any land disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year 24-hour storms to a level that is less than or equal to the peak flow rate from the site

assuming it was in good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

C. As provided by the Code of Virginia, §10.1-560, the following activities are not considered land disturbing activities for the purposes of this chapter:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work.

2. Individual service connections.

3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

5. Surface or deep mining activities authorized under a permit by the Virginia Department of Mines, Minerals, & Energy.

6. Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas.

7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operation as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia §10.1-1100 et seq. or the area is converted to bona fide agricultural or improved pasture use. Evidence of intent of bona fide agricultural or improved pasture use shall require, as a minimum and within twelve months from the date of completion of commercial cutting, that the land intended for such use shall be cleared of all trees, snags, brush, tree tops, and debris by piling and burning or

otherwise disposing of the same, or by enclosing the area with a well-constructed fence and planting grass seed thereon so as to make a bona fide improved pasture.

8. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Code of Virginia §10.1-604 et seq), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.

9. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.

10. Disturbed land areas of less than 10,000 square feet in size.

11. Installation of fence and sign posts or telephone and electric poles and other kinds of poles.

12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan approving authority.

## § 71-6 Program Administrator; Plan Approving Authority; Inspectors and Plan Reviewers

A. The County Administrator shall appoint a Program Administrator to oversee the County's Erosion and Sediment Control Program. The Program Administrator shall be certified within one year of appointment in accordance with the Code of Virginia's Erosion and Sediment Control Law. The program administrator may serve as inspector and plan reviewer upon obtaining certification as a combined administrator.

B. The Program Administrator shall serve as the County's Plan Approving Authority. In the event that the Program Administrator is not certified as a plan reviewer or combined administrator, he or she shall contract with an acceptable third party agency to conduct the plan review tasks. Acceptable third party agencies include, but are not limited to, the Robert E. Lee Soil & Water Conservation District.

C. The County Administrator shall also appoint an inspector and plan reviewer unless the Program Administrator is also certified as an inspector or combined administrator. Upon recommendation by the Program Administrator, the County Administrator may appoint additional inspectors and plan reviewers as needed. All inspectors and plan reviewers

shall be certified within one year of appointment in accordance with the Code of Virginia's Erosion and Sediment Control Law.

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the Appomattox County Department of Community and Economic Development located at 153A Morton Lane, Appomattox, Virginia.

**§ 71-7 Submission and approval of plans for land-disturbing activities.**

A. Prior to any development and/or redevelopment exceeding 10,000 square feet of land disturbance including construction of single-family residences, no person shall engage in any land-disturbing activity until he or she has submitted one of the following documents:

1. Erosion and Sediment Control Plan containing, at a minimum:
   a. Project description. Describes the nature and purpose of the land-disturbing activity and the area (acres) to be disturbed.
   b. Existing site conditions. Describes existing topography, drainage, and vegetation.
   c. Adjacent areas. Describes neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance.
   d. Off-site areas. Describes any off-site land-disturbing activities that will occur, including borrow sites, waste, or surplus areas.
   e. Soils. Describes on-site soils and delineation of soil boundaries including soil name, mapping unit, erodability, permeability, depth, texture, and soil structure.
   f. Critical areas. Describes areas on the site which have potentially serious erosion problems (e.g., steep slopes, channels, wet weather, underground water courses, etc.)
   g. Erosion and sediment control measures. Describes methods to be used to control erosion and sedimentation. Controls should satisfy Minimum Standards listed in the *Virginia Erosion and Sediment Control Regulation* and the *Virginia Erosion and Sediment Control Handbook*, as adopted by the County pursuant to §71.5.
   h. Permanent stabilization. Describes how the site will be stabilized at project completion including specifications.
   i. Stormwater runoff considerations. Describes whether the site will increase peak runoff rates and, if so, will the increase cause flooding or channel degradation downstream. Also describes strategy to control stormwater runoff.

j. Calculations. Detailed calculations for the design of temporary sediment basins, permanent stormwater detention basins, diversions, channels, etc. Includes calculations for pre and post-development runoff.
k. Vicinity map including directional indicator.
l. Description of limits of clearing and grading.
m. Description of existing contours.
n. Description of final contours. Indicates changes to existing contours including final drainage patterns.
o. Description of existing vegetation. Describes existing tree lines, grassy areas, or unique vegetation.
p. Description of existing drainage patterns. Describes the dividing lines and the direction of flow for the different drainage areas. Includes the size (acres) of each drainage area.
q. Description of critical erosion areas [erosion impact areas].
r. Site development. Describes/illustrates all improvements such as buildings, parking lots, access roads, utility construction, etc.
s. Location of practices. Describes locations of control measures using standard symbols and abbreviations in Chapter 3 of the Virginia Erosion and Sediment Control Handbook.
t. Maintenance. Describes a schedule of regular inspections and repair of erosion and sediment control structures.
u. Certified Responsible Land Disturber. Contains the name of the person holding a certificate of competence as provided by the Board including expiration dates of such certifications.

2. For construction of a single-family dwelling only, an agreement in lieu of an erosion and sediment control plan may be submitted. The agreement in lieu of a plan is a contract between the plan approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan approving authority in lieu of a formal site plan. However, the plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by §10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of the individual holding a certificate of competence shall be a violation of this ordinance.

B. The Program Administrator shall, within forty-five (45) days of the receipt of the plan, approve the plan if he determines that the plan meets the provisions this Chapter, and if the person named by the applicant as being responsible for carrying out the plan certifies

that he will properly perform to the erosion and sediment control measures included in the plan and will conform to the provisions of this Chapter. In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by the regulations of the Board, who will be in charge of and responsible for carrying out the land-disturbing activity. For purposes of this article, individuals holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect license, and such other individuals as determined by the regulations of the Board, shall be considered competent to be in charge of and responsible for carrying out the land-disturbing activity without further training, certification, or fees. In determining whether any plan meets the required conservation standards, the plan approving authority may seek the advice of the district.

C. The plan approving authority shall act upon all plan submitted within forty-five (45) days from their receipt by either approving or disapproving the plan in writing and giving the specific reasons for its disapproval. When a plan submitted for approval under this article is found, upon review, to be inadequate, the plan approving authority shall specify such modifications, terms, and conditions as will permit approval of the plan and communicate those requirements to the applicant within 45 days. If no action is taken within forty-five (45) days by the Program Administrator, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

D. An approved plan may be changed by the Program Administrator when:

1. An inspection reveals that the plan is inadequate to satisfy applicable regulations or;
2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out and proposed amendments to the plan, consistent with the requirements of this Chapter, are agreed to by the Program Administrator and the person responsible for carrying out the plans.

E. Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of

the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

F. In order to prevent further erosion, the Program Administrator may require approval of a conservation plan for any land identified as an Erosion Impact Area.

G. When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

H. In accordance with the procedure set forth by §10.1-563(E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Virginia Department of Environmental Quality (DEQ), the Virginia Marine Resources Commission (VMRC), or the United States Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

I. State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, §10.1-564.

## § 71-8 Land-Disturbance Permits; Fees; Issuance; Bonds

A. No person shall engage in any land-disturbing activity until he has:

1. Acquired a land-disturbance permit,
2. Paid the appropriate fees and
3. Posted any required bond.

B. Fees. Plan Review and Inspection Fees will be assessed at the rate shown in Table 1 below. All fees shall be paid to the County of Appomattox at the time of filing erosion and sediment control plans or agreements in lieu of plans.

| **Land Disturbance (acres)** | **Fee** |
|---|---|
| Less than one acre | $50.00 |
| One to five (1-5) acres | $100.00 |
| Six to twenty (6-20) acres | $300.00 |

| | |
|---|---|
| Twenty-one (21) acres or greater | $600.00 |
| Agreement in lieu of E&S plan | $25.00 |

C. No land disturbance permit shall be issued until the applicant submits with his application and approved erosion and sediment control plan or agreement in lieu of a plan, and certifies that the plan or agreement will be followed.

D. Bonds. The Program Administrator, prior to issuing a permit, may require any applicant to submit a reasonable performance bond with surety, cash escrow, an irrevocable letter of credit, or any combination thereof, or such other legal arrangements acceptable to the Program Administrator to ensure that measures could be taken by the County at the applicant's expense should he or she fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required by the approved plan as a result of the land disturbing activity. If the County takes such conservation action upon failure by the permittee, the County may collect from the permittee for the difference should the amount of reasonable cost of such action exceed the amount of security held. Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity, the bond, cash escrow, irrevocable letter of credit or other legal arrangement or the unexpected or unobligated portion thereof shall be refunded to the applicant or terminated. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for permits.

## § 71-9 Inspections, monitoring, and reports; action upon determination of violation.

A. The Program Administrator and/or their agents shall provide for and/or conduct periodic on-site inspections of the land-disturbing activity as set forth in VESCR 4 VAC 40-30-60B and shall require that the Certified Responsible Land Disturber be in charge of implementing the plan to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier, or operator shall be given an opportunity to accompany the inspector during the inspection. Notice of the right of inspection shall be included in all land disturbance permits issued. The Program Administrator shall be responsible for developing and implementing a filing system for land disturbing projects. The individual holding a certificate of competence, as required under the State program, who will be in charge of and responsible for carrying out the land disturbing activity shall be required by the Program Administrator to periodically inspect the land disturbing activity.

B. The County shall implement an Alternative Inspection Program. The alternative inspection program described herein for Appomattox County is designed to provide for

oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

(1) Authorization for this Alternative Inspection Program is granted by §10.1-566 of Title 10.1Chapter 5, Article 4 of the Code of Virginia and §4VAC50-30-60 of the Erosion and Sediment Control Regulations.

(2) To most effectively utilize staff and protect the resources of Appomattox County and the Commonwealth of Virginia, Appomattox County will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

(3) Implementation

i. The erosion and off-site environmental impact potential of regulated projects shall be determined by an evaluation of the topography, soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.

ii. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.

iii. Classification numbers will be assigned to projects which address site specific erosion potential and off-site environmental impact. These classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one (1) to three (3), one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.

iv. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.

v. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

(4) Basis for Classification

The following classifications shall be assigned to projects based on a preliminary site visit and plan review:

CLASS I Total acres disturbed under two (2) acres; greater than 150 foot Buffer between disturbed area and any property lines, water Resources, or public streets; slopes are 0-7 percent and greater than or equal to 300 feet; weighted soil K-factor is less than .23.

CLASS II Total acres disturbed under two (2) acres; disturbed area is 50 feet To 150 feet from any property lines, water resources, or public Streets; slopes are 7-15 percent and greater than or equal to 150 Feet; weighted soil K-factor is between .23 and .36.

CLASS III Total acres disturbed over two (2) acres, disturbed area is less than 50 feet from any property lines, water resources, or public Streets; slopes are greater than 15 percent and greater than or equal to 75 feet; weighted soil K-factor is greater than .36.

(5) Frequency of Inspections

i. All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

1. Class I At the beginning and completion of the project and every eight (8) weeks.

2. Class II At the beginning and completion of the project and at least every five (5) weeks.

3. Class III At the beginning and completion of the project and at least every two (2) weeks.

ii. All inspections will be documented on an inspection log maintained as part of each file. Project owners will receive copies of inspection reports with noted violations.

iii. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

C. If the Program Administrator determines that a violation exists or that there is a failure to comply with the plan, notice shall be served upon the permittee or Certified Responsible Land Disturber by registered or certified mail to the address specified in the permit

application or in the plan certification. Notice may also be given by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time frame, the permit may be revoked and the permittee or Certified Responsible Land Disturber shall be deemed to be in violation of this Chapter and, upon conviction, shall be subject to the penalties provided by this Chapter.

D. Upon determination of substantial violation of this Chapter, the Program Administrator may, either in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watershed of the Commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in Section A above. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Appomattox County. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this Chapter.

## § 71-10 Violations and penalties; additional remedies.

A. Any violations of any regulation or order of the Program Administrator, any provision of the program, any condition of a permit or any provision of this Chapter shall upon a finding of an appropriate general district court be subject to a civil penalty. The civil penalty for any one violation shall be $100, except that the civil penalty for commencement of land disturbing activities without an approved plan shall be $1,000. Each day during which the violation is found to exist shall constitute a separate offense. In no even shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $3,000, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed $10,000.

B. Nothing in this section shall be deemed to limit the authority of the County to apply to the County Circuit Court for injunctive relief to enjoin a violation or threatened violation of this Chapter, or to seek damages in a civil action.

C. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the locality wherein the land lies. Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

D. With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Program Administrator, or any condition of a permit or any provision of this ordinance, the Board, the Director, or plan-approving or permit-issuing authority may provide, in an order issued by the Board or plan-approving or permit-issuing authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection C of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection A or C.

**§ 71-11 Appeals and judicial review.**

Final decision of Appomattox County under this Chapter shall be subject to review by the Circuit Court of Appomattox County, provided that an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.

# BY LAWS
# APPOMATTOX COUNTY JOINT PLANNING COMMISSION
**[Adopted March 17, 2003]**

## ARTICLE 1 - OBJECTIVES

1-1 This Commission, established in conformance with the resolution adopted by the Board of Supervisors of Appomattox County, Virginia, on July 10, 1963, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Code of Virginia, 15.2-2210 et seq.

1-2 The official title of this commission shall be the "Appomattox County Joint Planning Commission."

## ARTICLE 2 – MEMBERS

2-1 Membership requirements shall be dictated by Chapter 30 of the Appomattox County Code.

## ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1 The officers of the Planning Commission shall consist of a Chairman, a Vice Chairman and a Clerk.

3-2 Nomination of officers shall be made from the floor at the annual organizational meeting each year held in January. Election of officers shall follow immediately.

3-3 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He or she shall take office immediately and serve for one year or until a successor shall take office.

3-4 Vacancies in office shall be filled immediately by the following election procedure. Nominations for each office shall be made by the membership during open meeting; there is no requirement that a nomination be seconded. The Chairman shall receive all nominations for the open office or offices. In the event of an election for Chairman, the Clerk shall receive nominations. Once nominations have been received, the membership shall vote on each until a candidate receives a majority vote of the membership.

## ARTICLE 4 - DUTIES OF OFFICERS

4-1 The Chairman shall be a member of the Commission and shall:

4-1-1 Preside at all meetings.
4-1-2 Appoint committees, special and/or standing.

4-1-3 Rule on all procedural questions (subject to a reversal by a two-thirds [2/3] majority vote of the members present).

4-1-4 Be informed immediately of any official communication and report same at the next regular meeting.

4-1-5 Carry out other duties as assigned by the Commission.

4-2 The Vice Chairman shall be a member of the Commission and shall:

4-2-1 Act in the absence or inability of the Chairman to act.

4-2-2 Have the powers to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

4-3 The Clerk shall be the County Planner, Zoning Administrator, or other agent appointed by the Board of Supervisors, and shall:

4-3-1 Keep a written record of all business transacted by the Commission.

4-3-2 Notify all members of all meetings.

4-3-3 Keep a file of all official records and reports for the Commission.

4-3-4 Certify all maps, records, and reports of the Commission.

4-3-5 Give notice of all hearings and public meetings.

4-3-6 Attend to the correspondence of the Commission.

4-3-7 Keep a set of minutes.

4-3-8 Prepare and be responsible for the publishing of advertisements relating to public hearing.

## ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

5-1 The following standing committees shall be appointed by the Chairman when needed. Necessary committees should be appointed when needed.

5-1-1 A Comprehensive Plan Committee shall be composed of at least three members. They shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the Comprehensive Plan developing in a realistic and reasonable manner.

5-1-2 Zoning Committees shall be formed for the County and Towns of Appomattox and Pamplin. The County Zoning Committee shall be composed of at least three (3) County representatives; the Town Zoning Committees shall be composed of the representatives of the respective Towns. The Zoning Committees shall be responsible for reviewing and developing amendments to the respective zoning ordinances. The committees shall also conduct pre-application meetings with potential zoning petitioners and applicants as requested by the Clerk. The committees, at their discretion, may also meet to discuss issues germane to their localities and present recommendations on such issues to the Commission.

5-1-3 A Capital Improvements Committee shall be composed of at least five (5) members. The committee shall be responsible for reviewing the Appomattox County Capital Improvements Plan and associated staff reports, and making recommendations on its adoption to the governing bodies.

5-2 Standing committees shall be appointed for one (1) year at the annual organizational meeting of the Commission. Vacancies shall be filled by the Commission Chairman.

5-3 Special committees may be appointed by the Chairman for purposes and terms approved by the Commission.

## ARTICLE 6 - MEETINGS

6-1 Regular meetings of the Commission shall be held on the third Monday of each month at 7:00 PM. When a meeting date falls on a legal Holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

6-2 Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership. Written notice of meetings shall be given to each member at least five days prior to such meetings. It shall state the time of the meeting.

6-3 All regular meetings, hearings, records and accounts shall be open to the public.

6-4 A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the members present. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

## ARTICLE 7 - ORDER OF BUSINESS

7-1 The order of business for a regular meeting shall be:

7-1-1 Call to order by Chairman.
7-1-2 Attendance; determination of a quorum.
7-1-3 Approval of minutes.
7-1-4 Discussion of petitions and proposed amendments.
7-1-5 Old business.
7-1-6 New business.
7-1-7 Adjournment.

7-2 Motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.

7-3 Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, namely, Robert's Rules of Order.

7-4 The Planning Commission shall keep a set of minutes of all meetings and these minutes shall become a public record.

7-4-1 The Clerk shall prepare a set of minutes for all regular, adjourned, and special meetings as well as committee meetings.

7-4-2 The Clerk shall sign all minutes and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

## ARTICLE 8 - HEARINGS

8-1 In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

8-2 All public hearings shall follow the requirements set forth in Code of Virginia, Chapter 15.2-2200 et seq.

8-3 The case before the Commission shall be summarized by the Chairman, other member delegated by the Chairman, or by the Clerk. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to, as evidence for any court of law, only after notice is given to the interested parties.

8-4 A record shall be kept of those speaking before the hearing.

## ARTICLE 9 - CORRESPONDENCE

9-1 It shall be the duty of the Clerk to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9-2 It shall be the duty of the Clerk to communicate by telephone or other electronic means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

9-3 All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman, Vice Chairman, or Clerk.

## ARTICLE 10 - AMENDMENTS

10-1 These rules may be changed by a recorded two-thirds vote of the entire membership after thirty (30) days' prior notice.

## ARTICLE 11 – CONFLICTS OF INTEREST

11-1 The Appomattox Joint Planning Commission shall be governed by the provisions of the Conflict of Interests Act, Code of Virginia, as amended, §2.2-3100 et seq.

11-2 A Commissioner shall have a conflict of interest in the following situations:

11-2-1 When a member of a Commissioner's immediate family has a financial or ownership interest in a subject property or business that is before the Commission. Immediate family includes (i) a member's spouse, (ii) any of the member's dependents, and (iii) any relative of whom the member is a dependent.

11-2-2 When a member of a Commissioner's immediate family may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of Commission action.

11-2-3 When a Commissioner has a direct financial interest in a subject property or business that is before the Commission.

11-2-4 When a Commissioner is actively serving as an agent or employee of the property owner that has brought a matter before the Commission.

11-2-5. When a Commissioner has actively served as an agent or employee of the property owner that has brought a matter before the Commission, but is not currently serving as an agent or employee and has not served in either role within a period of twelve (12) months.

11-3 When a Commissioner has a conflict of interest, he or she shall make this fact known to the Chairman in open session prior to any deliberations or discussion of the pertinent subject. The Commissioner shall be disqualified from voting on the pertinent subject, and the Commissioner's official action on the subject shall be noted as "abstained for conflict of interest" in the meeting record.

11-4 Commissioners disqualified from voting by reason of conflict of interest shall be permitted to engage in discussion on the pertinent subject upon recognition by the Chairman.

11-5 A Commissioner may, at their sole discretion, abstain from voting on a pertinent subject for reasons not set forth in this Article as a conflict of interest, but in order to avoid any appearance of impropriety. The Commissioner's official action on the subject shall be noted as "abstained" in the meeting record.